



JOURNALS
of the
HOUSE OF BURGESSES
of Virginia
1761--1765



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JOURNALS
of the
HOUSE *of* BURGESSES
of
VIRGINIA
1761-1765

Edited by
JOHN PENDLETON KENNEDY



RICHMOND, Virginia

M C M V I I

2000

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THE new Assembly of *Virginia* which convened *November 3rd*, 1761, continued to meet under various prorogations until *June 1st*, 1765, when it was dissolved. During this period the House of Burgesses met eight times, though there were only seven distinct sessions,¹ since the *October* meeting of 1764 adjourned to meet on the 1st of *May* following.

The Journal of feffion beginning *November 3rd, 1761* and continuing to the 14th of the fame month, contains twenty-eight pages, including the title page. A printed copy of this Journal is located in the *Virginia State Library*, while the original manuscript is on file in the *British Record Office* in *London*.

The first session of 1762 convened on *January 14th* and was prorogued on the 21st of the same month. Two printed copies of this Journal are known to exist, though it is not unlikely that others will be found located in private collections. One copy of the Journal in question is in the *Library of Congress* and the other in the *Virginia State Library*. In each instance the text of these copies commences on page three and ends with page fourteen, which would indicate that title pages were printed though not preserved. The original manuscript for this and succeeding sessions of 1762 contained in this volume are located in the *Public Record Office* in *London*.

The second session of 1762 met *March* 30th and was prorogued on the 7th of *April* following. Printed copies of this Journal have no title pages, the text beginning on page three and ending on page sixteen. The only copy of this Journal known to exist in a public institution is in the *Virginia State Library*. In this and other Journals of the sessions of this particular Assembly, where the text begins on page three, bibliographers frequently record an erroneous pagination. In this particular instance this Journal is said to contain thirteen pages, while in fact the last page of the text is sixteen. This is due, no doubt, to insufficient bibliographical information being furnished students working on this subject.

The third and last session of 1762 met on *November 2nd* and continued until the 23rd of the following *December*. The only printed copy of this Journal recorded at the present time, is in the *Virginia State Library*, and like the preceding sessions the text begins on page three. This copy likewise contains no title page though perfect in every other respect. The text ends with page one hundred and sixteen.

But one session of the assembly was held in 1763. The Burgesses met during that year on May 19th and were prorogued on the 31st of the same month. Unlike other Journals of this particular assembly the text begins on page one. This would indicate that no title page was printed in this particular instance, and the Journal is apparently complete in thirty-one pages of printed matter. Printed copies of this Journal are to be found in the *Library of Congress* and in the *Virginia State Library*.

There were two sessions of the assembly in 1764, the first extending from the 12th of *January* to the 21st of the same month. The Journal of this session evidently had a title page at one time as the text begins on page three. The only printed copy of this Journal known at the present time is located in the *Virginia State Library*, and it contains twenty-five pages.

The

† The bibliographical information concerning the Journals herein printed, is based upon copies located in American libraries only. An effort is now being made to locate additional copies in foreign collections, and when this is accomplished the copies known to be in the British Record Office will be lifted.

The second session of 1764 convened on *October 30th* and continued in session until the 21st of *December* following. So far as is known there is not a complete printed copy of this Journal extant. The copy in the *Virginia State Library* begins on page three and ends on page seventy-eight, which carries the session through *Thursday, December 13th* only. There is likewise an imperfect copy in the *Library of Congress*, which contains eighty-eight pages of printed matter, including the records of the meeting of *December 18th*. That this Journal was published in full is indicated by a continuous pagination covering this session and the session which convened on *May 1st, 1765*, the copy in question ending on page seventy-eight and the session of 1765 beginning on page ninety-nine. This would indicate twenty pages missing, as the text of all sessions begin on the recto page. It was necessary, therefore, to have a transcript of this Journal made from the original in the *British Record Office* in *London*, which not only gives a complete record of this session, but determines that it was prorogued on the 21st day of *December, 1764*.

The final session of this Assembly met on *May 1st, 1765* and continued until the first of *June* of the same year. As noted in the preceding paragraph the paging of this Journal commences with page ninety-nine and ends with page one hundred and fifty-four. There are two printed copies of this Journal in public institutions, one being in the *Virginia State Library*, and the second in the *Library of Congress*. The latter copy is reported as being imperfect.

Hening, in his "*Statutes At Large*," records the acts of this session of the Assembly as passed in *October, 1765*. *Stanard*¹ likewise assumes that two sessions were held during that year. Both are in error, however, as the acts recorded by *Hening* under date of *October, 1765*, were actually passed at the *May* session of the same year. This is attested by the Journal of the session in question, which shows clearly the acts referred to were passed at that time. That no session of the Assembly was held in *October, 1765*, is attested by the fact that the new Assembly, which followed as the result of the dissolution proclamation of *June 1st 1765*, did not take the oath of office until *Thursday* the sixth of *November, 1766*.

The great problem of *Virginia* in 1761 was to effect a thorough and complete understanding with the various *Indian* nations along the frontier. The *Cherokees* in the South and Southwest had always been a source of great alarm, especially to the promoters of the Westward Movement, as were the *Six Nations* who claimed a large portion of what is now *West Virginia*. To bring about complete and satisfactory treaties with these *Indians*, was, therefore, not only the desire of the Mother Country, but an absolute necessity for *Virginians*. The *Carolinas* occupied a similar position to that of *Virginia*, and but for co-operation upon the part of these colonies, it is doubtful whether the numerous treaties with the *Cherokees* from 1661 to 1772 could have been effected.

After considerable discussion of the plans of procedure, which was calculated to bring about an early and satisfactory peace between the *Indians* and the Colonies, it was determined that *Pennsylvania* and *New Jersey* should make an effort to treat with the *Six Nations*, while to *Virginia* and the *Carolinas* was left the task of bringing the *Cherokees* to terms. This was not an easy undertaking, as the tribes in question covered an enormous territory, and possessed several thousand warriors.

In order to thoroughly appreciate the extent of the country occupied at various times by the *Cherokees*, it is interesting to know that in 1693 they inhabited the well watered regions of the *Carolinas*, including the valleys of the *Catawba, Broad, Saluda, Keowee, Tugaloo, Savannah* and the *Coosa* Rivers, on the East and South, and various tributaries of the *Tennessee* on the North and West. This was practically an unlimited territory at that time, and as no treaties existed between any two *Indian* Nations as to their territorial limits, much strife and bloodshed resulted. *Charles C. Royce*² in his "*Cherokee Nation of Indians*" states "that the *Indians* had no definite and concurrent understanding with their surrounding savage neighbours as to where the possessions of one left off and those of the other began. The strength of their title to any particular tract of country usually decreased in proportion to the increase of the distance from their

¹ *Virginia Colonial Register*, p. 170. ² *Fifth Annual Report, Bureau of Ethnology*, p. 140.

their villages; and it commonly followed as a result that a considerable strip of territory between the settlement of two powerful tribes, though claimed by both, was practically considered as neutral ground, and the common hunting ground of both. As has already been stated, the extreme Eastern settlements of the *Cherokees* in *South Carolina* in 1693 were in the district lying between the *Catawba* and *Broad* Rivers, and no claim has been found showing the existence at any time of any assertion of territorial right in their behalf to the East of the former stream. But, nevertheless, on *Bowen's* map of (obviously copied from early maps) there is laid down the name of 'Keowee' or 'Old Town.' The location of town was on *Deep* River in the vicinity of the present town of *Ashborough*, *N. C.* It was a favorite name of the *Cherokees* among their towns, and affords a strong evidence of at least a temporary residence of a portion of the tribe in that vicinity. A map executed by *John Senex* in 1721 defines the *Indian* boundary in this region as following the *Catawba*, *Wateree* and *Santee* Rivers as far down as the most westerly bend of the latter stream, in the vicinity of the boundary line between *Orangeburg* and *Charlestown* districts, whence it pursued a southwesterly course to the *Edisto* River, which it followed to the sea. The southern portion of this boundary was, of course, a definition of limits between *Carolina* and the *Creeks*, or rather of certain tribes that formed component parts of the *Creek* Confederacy. No evidence has been discovered tending to show an extension of *Cherokee* limits in a southern direction beyond the point mentioned above on the *Edisto* River, which, as near as can be ascertained, was at the junction of the *North* and *South Edisto*. Following from thence up the *South Edisto* to its source the boundary pursued a southwesterly course, striking the *Savannah* River in the vicinity of the mouth of *Stevens* Creek, and proceeding thence northwardly along the *Savannah*."

"On the borders of *Virginia* and *North Carolina*, the ancient limits of the *Cherokees* seem to be also shrouded in more or less doubt and confusion. In general terms, however, it may be said that after following the *Catawba* River to its source in the *Blue Ridge* the course of those mountains was pursued until their intersection with the continuation of the *Great Iron* Mountain range, near *Floyd* Court House, *Virginia* and thence to the waters of the *Kanawha* or *New* River, whence their claim continued down that stream to the *Ohio*. At a later day they also set up a claim to the country extending from the mouth of the *Kanawha* down the *Ohio* to the ridge dividing the waters of the *Cumberland* from those of the *Tennessee* at the mouth of those streams, and thence following that ridge to a point northeast of the mouth of the *Duck* River; thence to the mouth of *Duck* River on the *Tennessee*, and continuing up with the course of the latter river to *Bear* Creek; thence along the said Creek to a point called *Flat Rock*, from there to the *Ten* Islands in *Coosa* River."

Another account of the possessions of the *Cherokees* is given by *Adair* in his "*American Indians*." This famous trader traveled for forty years among the *Cherokees*, and as a result of the observations outlines the boundary of their country as it existed in 1750: "The country lies in about 30 degrees north latitude at the distance of 340 computed miles to the northwest of *Charleston*, 140 miles southwest from the *Katawba* Nation, and about 200 miles to the North of the *Muskohge* or *Creek* Country. They are settled nearly in an east and west course about 140 miles in length from the lower towns, where *Fort Prince George* stands, to the late unfortunate *Fort Loudoun*. The natives make two divisions of their country, which they term 'Ayrate' and 'Otarre,' the one signifying the 'low' and the other 'mountainous.'"

It will be seen from the boundaries herein given that the portion of the country claimed by the *Cherokees* in 1760, comprised a large part of what is now *Southwestern*, *Virginia*, *West Virginia* and *Kentucky*, which the *Six Nations* also claimed by right of conquest. This vast territory gave the *Cherokees* a wide range of influence which enabled them to be the most prominent of frontier factors. This *Virginia* recognized and in considering the acquisition of territory fully realized the power of the enemy, and the magnitude of any undertaking that contemplated subduing them.

The

The *Cherokee* nation as early as 1716, when a census of the *Indian* tribes of the *Carolinas* was taken, numbered 11,210, of whom 4,000 were warriors. *Adair* alleges that there were 6,000 warriors in 1735, but that three years later small-pox reduced this number fully fifty per cent. No other correct estimate of the number of warriors of this tribe seems to have been made until about the time of the close of the Revolution, when, as a result of their many conflicts with the whites they numbered only 2,300 warriors. It is, therefore, safe to presume that in 1761 there were at least 5,000 fighting men in the *Cherokee* nation, and this force was to be reckoned with by *Virginia* troops, which seldom numbered over 1,500 fighting men. Unfortunately for the Colonies the *French* effected a treaty with the *Cherokees* in 1760, which resulted in a union of forces of the two nations in their war with *Great Britain*. This treaty, however, was of short duration, as Governor *Littleton* of *South Carolina*, recognizing the necessity for immediate action, marched against the *Indians* and after defeating them concluded a treaty, whereby the *Cherokees* agreed to annul the *Cherokee-French* agreement and pledge their support to *Great Britain*. This action upon the part of *South Carolina* saved much bloodshed along the borders and made possible the treaty of *Charles Town* in 1761. By this treaty an agreement was reached, whereby the boundaries between the *Indians* and the Colony of *South Carolina* was declared to be the sources of the great rivers emptying into the *Atlantic Ocean*.

This series of successes caused *Virginia* to examine into the condition of its frontier, and aroused a determination to effect an understanding with the *Cherokees* that would insure peace and contentment to western settlers. The troops raised by *Virginia* in the Spring of 1761, to act in conjunction with the troops of *North Carolina* under Colonel *Grant* were available for this purpose. Governor *Fauquier*, however, was evidently inclined to relieve the Colony of the burden of maintaining a regiment in the time of peace, though in his opening address on *Thursday, November 3rd 1761*, he suggests that the question of disbanding the regiment must be considered by the Assembly "as you were the most competent Judges of the Condition of the Frontiers." But having received a letter from Sir *Jeffrey Amherst* directing that the regiment be maintained until peace had been concluded with the *Cherokee Indians*, it was his duty to effect such a result as the Colonial Secretary recommended. This plan was agreed to by the Burgeesses at a time when Colonel *Stephen*, upon whom the command of the regiment had devolved, was camped on *Big Island* in the main branch of the *Holston River*. The presence of *Virginia* troops at this point had had the effect of quieting the *Indians* and giving rise among them of a general feeling for peace, and had the regiment been disbanded at that time much discontent would have been felt throughout the Colony. Colonel *Stephen* had advised Governor *Fauquier*, that various *Indian* chiefs had visited the camp on *Big Island* early in *January* with articles of peace, urging at the same time that an agreement be effected between *Virginia* and the *Cherokees*, that would establish a firm and friendly basis of understanding. Nothing, however, was accomplished as the result of these visits, though the presence of troops in close proximity to the *Indian* lands had a salutary effect. There was nothing to do, therefore, but to await the results of the peace conference then being held in *South Carolina*. *Big Island* being an undesirable location for troops, the governor issued orders to Colonel *Stephen* to march to *Stahlnaker's*, where the regiment could be more easily reached and provided for than at the camp on the *Holston*. This order was obeyed and the troops remained at *Stahlnaker's* until Colonel *Stephen* advised Governor *Fauquier*, that articles of peace had been signed between Governor *Bull* and the chiefs of the *Cherokee* nations, when he was ordered to march to *Fort Lewis* and disband his regiment. This order being issued, the assembly was at once called together to be acquainted with the action of the Governor, which it approved shortly after convening.

Having reached an understanding with the *Cherokees*, which unfortunately proved to be of short duration, Governor *Fauquier* at once turned his attention to the *Six Nations*, he having written to Governor *Hamilton* of *Pennsylvania* some months before for information concerning them. In this communication the Governor asked for a full

account

account of what had passed between the king's officers and the *Indians*, in relation to lands westward of the *Alleghanies*. Replying, under date of *June 22nd 1761*, Governor *Hamilton* set forth in detail such information as he had at his command, and at the same time called particular attention to such treaties as had been promulgated from 1758 to 1761. In this letter the fears of the Colony of an uprising of the *Six Nations* were at once set at rest, the Governor being advised that General *Amherst* had satisfied the *Indians* that no attempt would be made to take away any of their lands:

A NARRATIVE OF WHAT HATH PASSED BETWEEN THE
KING'S GENERALS, GOVERNORS, ETC., AND THE INDIANS: IN
RELATION TO LANDS; BEING DESIGNED AS AN ANSWER TO
GOV^r FAUQUIER'S LETTER OF THE 22 OF JUNE 1761.

In *October 1758* Peace was confirmed between His Maj^{ty}'s Subjects, and the *Delawares* and their Allies' the *Minifunks*, *Mohickons*, *Opies* and other Nations living on the *Susquehannah*, in the presence of the Deputies of the *Six Nations*.

In this Treaty the Proprietors of *Pennsylvania* released all the Lands within their province to the Westward of the *Allegheny* hills to the *Indians* of the *Six Nations*, from whom they had before purchased them, and solemnly engaged "That no white people should make Plantations or Settlements on the Lands to the Westward of those Hills."

In *December 1758* Gen^l *Forbes* took possession of *Fort du Quesne*, but being sick, he was obliged to depart before the *Indians* could assemble to treat with him.

Col. *Bouquet* was left in the Command there, who received the *Indians* and confirmed the Peace made at *Easton*, and further expressly assured them: "That the King did not send his Generals to hurt the *Indians*, or to take their lands from them."

In the beginning of *January 1759*, Nine Chiefs of the *Six Nations Shawanese* and *Delawares*, with forty of their people living at and in the neighborhood of *Bacaloone* an *Indian* Town near the head of the *Ohio*, came to *Pittsburg*, sent, as they said on purpose to be informed of the Terms of the Peace, which they were told had been made between the *English* and the *Indians*.

Col. *Mercer* then having the Command at *Pittsburg*, sent them forward to *Philadelphia*, in order that they might receive an answer from Gen^l *Forbes* but he being still extremely indisposed and unable to receive them, desired Gov^r *Denny*, after the *Indians* had made him acquainted with their business, which was as above set forth to return them an answer; to lay before them the contents of the late treaty at *Easton* and to assure them; "That the *English* had no intention to make Settlements in their Hunting Country beyond the *Allegheny* Hills; unless they should be desired, for the convenience of the *Indians*, to erect Store houses in order to establish and carry on the Trade."

These Deputies stay'd in *Philadelphia* till *April*, when Gen^l *Amherst* coming thither on a visit to Mr *Forbes*, conferred with them, and with one *Thomas King* an *Oneida* Chief, who had assisted in the Western Campaign, and was lately come from *Pittsburg*, and in those Conferences Mr *Amherst* assured those Deputies: "That the King's Generals would continue to act up to all the engagements His Maj^{ty}'s subjects had entered into with the *Indians*."

Governor *Denny* took an opportunity of communicating to *Thomas King*, the answer of Gov^r *Fauquier* to the enquiries which had been made by the *Six Nations* at *Easton* about one *Squeffatego*, and accompanied it with proper Belts and Strings, and desired *Thomas King* to deliver all to the Council at *Onandago*.

In *July 1759* there was a very great meeting of *Indians* at *Pittsburg*, and many of the Chief Men of the *Delawares*, *Shawanese* and *Wyondots*, who had powers from the *Chippawas*, *Ottaws*, *Putewatimies*, *Twightwees*, *Cuscuskies*,

Kecopes

Kecopes, *Spocky's*, and *Musquakes*, were of the Company. The late Treaty at *Easton* had been sent to those Nations, by a solemn deputation from the *Indians* who were present at that Treaty.

To which Deputation Mr *Post* and Capⁿ *Bull* were joined on the part of the Govern^t. The Treaty was read and explained to them in their Councils at *Kuskusky*, *Sawkung* and *Logstown*, and those *Indian* Chiefs were now come to confirm it.

General *Forbes*, being dead, and Gen^l *Stanwix*, who succeeded to the Command, not being arrived, Mr *Croghan* Deputy Superintendent of *Indian* affairs under Sir W^m *Johnson*, was obliged to hold the conferences, in which all the agreements made at *Easton*, together with the peace were confirmed and the Article relating to Lands was expressly mentioned in these words.

CROGHAN'S ADDRESS TO THE SIX NATIONS.

Brethren,

"The complaint which your people, three years ago made to the Gov. of *Pennsylvania* about their Lands, (meaning the lands to the Westward of the *Allegheny Hills*) was settled at the Treaty of *Easton*, and a line settled by your people and the *Six Nations* to their satisfaction; and you may depend on it, that your Brethren the *English* will never violate their engagement; and that the King's General and all the Governors on this continent will ratify and confirm it, in the first General meeting you shall have with them."

It was further said, that the General was on his way to build a Trading House to secure the goods, brought by the *English* Traders, for the use of the *Indians*, from the insults of the *French*. And they were assured, that as soon as the Enemy were driven out of their Country, in which they were desired to be assisting, the General would depart their Country, after having secured our Trade with them and our Brethren to the Westward.

In October 1759 General *Stanwix* held a Treaty with the *Delawares*, *Shawaneese*, *Wyandots* and *Six Nations* at *Pittsburg* wherein he made the following speech among others:

ADDRESS OF GENERAL STANWIX TO THE INDIANS.

Brothers.

"No Nation could ever charge the *English* with a breach of Treaty; every thing relating to the peace made between us has been performed on our parts. The Original draught of the Boundary line settled between us and the *Six Nations* at the Treaty at *Easton* was delivered to them, and here is a copy sent by Gov^r. *Denny* to shew to the *Delawares* and *Shawaneese* to prevent any disputes hereafter arising upon that head." Then he opened the Road to *Pittsburgh*: letting the *Indians* know, that his Maj^{ty} had been at a considerable expence to establish a Trading House there.

In April 1760 Gen. *Amherst* (by *Frederick Post*, then proposing to go to the *Ohio*) sent the *Indians* there a Message to quiet their minds, which had been much disturbed on some stories being propagated among them, as if the *English* intended to take their lands from them, and settle quite up to the *Ohio*. Mr *Post* being prevented from going, the Message of Gen^l *Amherst* was sent to Gen^l *Moncton* who then commanded at *Pittsburgh* and was by him delivered to the *Indians* at a great Council in August 1760 in these Words:

ADDRESS OF GENERAL MONCTON TO THE INDIANS.

Brethren Kings Captains and Warriours.

"I mean not to take away any of your Lands; but as the necessity of His Maj^{ty}'s Service obliges me to take *Post*, and build Forts in some parts of your

Country

Country, to protect our Trade with you, and prevent the Enemy from taking possession of your Lands, and hurting both you and us, as you are sensible, that if we do not build Forts the *French* will. In that case I assure you, that no part whatever of your Lands adjoining the said Forts shall be taken from you, nor any of our people be permitted to Hunt or Settle upon them, but they shall remain in your absolute property; and I will even promise you some presents as a consideration for the Lands, where such Forts or Trading Houses are or may be built. And as it is expensive & inconvenient for us to carry provisions for our Warriors, from our settlements to those Forts, and also to supply our Brethren the *Indians*, when they come to see us, if, you will lay out a space of ground adjoining every Fort to raise Corn, in that case, fix yourselves the limits of that part of your lands so appropriated to us, and you will receive such a consideration for it, as will be agreed between you and us to your satisfaction."

There being no danger of immediate war with the *Six Nations*, the attention of the Governor was directed to the claim of these federated tribes to a large territory on the *Greenbrier* and *New Rivers*, which lands were also claimed by the *Cherokees*. This condition of affairs the Governor at once communicated to the Board of Trade under date of *August 29th 1761*. Having made known similar information in *December 1760*, Governor *Fauquier* was at once ordered to convene the Council and consider the claims of the *Indians* for the territory in question. Not being able to get a quorum in the Council during the summer months, Governor *Fauquier* further advised the Board of Trade that the meeting would have to be postponed until after the meeting of the General Court in *November*:

W^mburg^h Aug. 29th 1761.

My Lords,

In obedience to your Lord^{ships} letter of the 17th Febr^y which was received by me on the 2nd June, I immediately consulted His Maj^{ties} Council in relation to the claims of the Indians on the Lands Green Bryar and New River or Woods River, which fall into the Ohio; the consideration of this was postponed till the General Court in October, when all the Members of the Council usually attend, when all agreements with the Indians and all their claims will be enquired into; and in the meantime I was desired to apply to Gov.^r Hamilton of Pennsylvania, for copies of all treaties and agreements made with the Indians inhabiting the Country in the neighborhood of Fort Pitt, by Generals Forbes and Stanwix, while they commanded there, which I have accordingly done; that your Lord^{ships} may have all the information and insight into this affair which we may be capable of giving you And in the mean time no new patents will be granted for those lands, till I receive your Lord^{ships} directions thereon. . . .

I am with the greatest respect

My Lords,

Your Lord^{ships} most obedient, obliged and devoted servant.

FRAN: FAUQUIER.

In the meantime Governor *Hamilton* of *Pennsylvania* was again communicated with and requested to furnish copies of all treaties and agreements with the *Indians* in and around *Fort Pitt*. This he did and such papers as were received were forwarded to the Board of Trade on *November 30th 1761*.

In the communication of Governor *Hamilton*, attention was called to the treaties dating from 1744 and 1752, in conjunction with other letters and data on the subject, which was to be used by the Home Government in determining the attitude of *Virginia* in the matter in question:

My

W^mburg^h: Nov^r 30th 1761.

My Lords,

In obedience to your Lord^{ies} commands signified to me in your letter of the 17th Febr^y 1761 received by me on the 2nd June following, and immediately after communicated to His Maj^{ty}'s Council, who put off the consideration thereof till the next general Court when all the Councillors attend (as signified by me in a former letter to your R^t Hon^{ble} Board) I now proceed to give your Lord^{ies} all the information, I have been able to obtain relative to the agreements made with the Indians about the settlement of Lands.

On the 14th December 1743 Commissions were made out to the Hon^{ble} Thomas Lee Esq^r of His Maj^{ty}'s Council and W^m Beverly Esq^r a Member of the House of Burgeses, to treat with the Indians of the Six Nations; and instructions were accordingly given them. On the 22nd June 1744 conferences for a peace were opened at Lancaster under the mediation of Gov. Thomas of Pennsylvania, our Commiss^r and Commiss^r from Maryland being present. All these proceedings at large have been heretofore sent to your Lord^{ies} as I am informed, and are now, I imagine among the papers of your Office; but lest they should not be easily come at, I have inclosed to your Lord^{ies} a copy of the Treaty itself which is the only material part of those transactions; and which I find was signed by no less than 27 of their Sachems & Chief Men.

In April 1752 Commissions and Instructions were given to Mess^{rs} Joshua Fry, Lunford Lomax, and James Patten, to treat with the Six United Nations on the River Ohio, which proceedings at large were also, as I am informed sent home, to your R^t Hon^{ble} Board. But the reasons above-mentioned, have induced me to send to your Lord^{ies} a copy of that agreement made the 13th June 1752 at Shanapins Town, and which I find was signed by seven of their Chiefs.

Since these Transactions, this Colony in particular have had no meeting with any Indians on the affair of lands. The Hon^{ble} Peter Randolph, and W^m Byrd Esq^s were Commissioned to go into the Cherokee Country to prevail on them to March a number of their Warriors to join His Maj^{ty}'s forces before Fort du Quesne. The irregularity of these Indians in their Marches, and the Revenge taken of their Insults by our Inhabitants, and the fatal Scalping Law (which I got repealed soon after my arrival, foreseeing and dreading the consequence) have been, I too much fear, the immediate cause of the Cherokee War. No mention was made of the settlement of Lands, or any complaints made about it in this expedition of Col. Randolph and Col. Byrd.

I have also inclosed to your Lord^{ies} a copy of paper I received from Gov.^r Hamilton in my late excursion to the Northward, which your Lord^{ies} will find very full as to all the late agreements made with the Indians by the Commanders of his Maj^{ty}'s Forces, and the promise and assurances given the Indians in relation to settling on their hunting grounds.

These papers will I imagine give your Lord^{ies} all the satisfaction you require, but if you should have occasion for anything further I will immediately on receiving your orders, transmit all you Desire to your R^t Hon^{ble} Board.

I must now observe to your Lord^{ies}, that no complaints, have ever been made as I have been informed, and as your Lord^{ies} will see by the minutes of the Council which I have inclosed to you, from any Indians whatever, or any claim made on the lands due Westward of this Colony, tho the Indians about Pittsburg^h have I believe made objections to the White people's settling on lands to the Westward of the Allegany Hills. It may not be improper on this occasion to signify to our Lord^{ies} that the Two Proprietors of Maryland & Pennsylvania, have appointed Commiss^{rs} to run their division line, which they are now actually about. By the conversation I had with two of those Commiss^{rs} at Philadelphia, I find the proprietor of Pennsylvania expects to gain a good deal of the Land always supposed to be in this province. I was asked what I should do in that case; to which I answered it was time enough for the Colony of Virginia to interfere when they had run their line the

length

length of Maryland and to the utmost extent of their proprietors grant. But I submit it to your Lord^{ships} consideration, whether it would not be proper for His Maj^{ty} to appoint a Commis^{sr} to attend the running of this line, so as to ascertain the Quit Rents to the Crown.

Applications have been made to me in Council for Patents of Lands on Holston's and Clinche's Rivers which form part of the waters of the Mississippi, behind the Cherokee Country, but all these petitions I have postponed the consideration of, till I am informed of His Maj^{ty's} pleasure relating thereto.

I am with the greatest respect

My Lords,

Your Lord^{ships} most obedient and devoted Serv^t

FRAN: FAUQUIER.

After due consideration of the claims of various *Indian* tribes for lands on the *Greenbrier* and *New Rivers*, it was determined that no action should be taken by *Virginia* at that time. This resulted in the matter coming up for consideration at various times until the treaties of *Hard Labor* and *Fort Stanwix*¹ became effective. By these agreements all claims set forth by the *Indians* to the territory in dispute were at an end, and *Virginia* had no further dealings with either the *Six Nations* or the *Cherokees*, whereby territory was acquired, except in 1772 when a large tract of land in what is now southwest *Virginia*, *West Virginia* and east *Kentucky* was acquired, and again in 1775 when the last tract, now lying in *Kentucky*, *Virginia* and *Tennessee*, was purchased.

Having thus effectively dealt with the *Indian* question, it was hoped that a general peace could be maintained throughout the Colonies. This condition of affairs, however, was destined to be of short duration, as war had already been declared by *Great Britain* against *Spain*. This act upon the part of *Great Britain*, gave rise to the question of whether or not *Virginia* would be willing to raise a new regiment, since the old one which had been the pride of the colony, was disbanded against the wishes of the people. The uncertainty of the action upon the part of the Assembly had been expressed by Governor *Fauquier* in various letters to the Lords of Trade, he maintaining that there was every reason to believe that great difficulty would be encountered in bringing about such a result. In his opening address to the House of Burgesses on *Tuesday, March 30th, 1762*, he set forth in detail the necessity for concerted action upon the part of the Colonies, and made a formal demand in the name of the Crown for a *Virginia* regiment, to be incorporated into the regiment on the "British Capitol Establishments now in America." The following day the House of Burgesses, in reply to the Governor's address, made it at once apparent that there would be no difficulty encountered in getting satisfactory legislation through that body. In the Council, however, a different condition of affairs existed, four gentlemen of that body maintaining that it would be impossible to defray the expenses of a regiment without the use of paper currency. This at once gave rise to a renewed effort to again emit paper money, which privilege had been denied the Colony by Parliament. It was maintained that the existence of war was a sufficient reason for issuing this grade of currency, which in time of peace was not thought to be essential to the progress of the Colony. So it was when the matter came to an actual vote in the Council, the measure creating the regiment was only carried by a single vote. The bill² was finally passed, however, and provided for recruiting 1,000 men and appropriated 30,000 pounds to pay and clothe them. This amount was raised by a tax of one shilling on every tithable person in the colony. Governor *Fauquier* in his communication of *April 8th, 1762* to the Board of Trade, set forth the various circumstances surrounding the passage of the Regiment Act, he maintaining that the paper money question was a mere pretense, though it was a plausible argument against the bill:

Williamsburgh³ Apr: 8. 1762.

My Lords,

It is with the greatest satisfaction I am able to inform your R^t Hon^{ble} Board that

¹ Journals House of Burgesses, 1766-1769, p. xxvi ³ Bancroft Transcripts--Library of Congress.

² Hening, Vol. VII, p. 494.

that the doubts expressed in my letter of 24, Feb^r sent by Captⁿ Adams in His Maj-^{'ty's} ship Diana, in relation to the Assembly's raising a new Regiment after disbanding the old one, were ill founded; for to the honour of this Colony, the Assembly which I called on the receipt of His Maj-^{'ty's} requisitions made known to me by his Secretary of State, no sooner met than the Burgeesses immediately voted a Regiment of 1,000 Men besides the quota demanded of them by Sir Jeffery Amherst to recruit the Regiments on the British establishment now in America. This almost unexpected conduct of His Maj-^{'ty's} most loyal and dutiful subjects of the Colony and Dominion of Virginia, I make no doubt will be represented by your Lord^{'ps} to His Maj-^{'ty} and his Ministry in the favorable light which it really deserves. I passed an Act yesterday for this purpose and then, prorogued the Assembly, which act I shall transmit to your Lord^{'ps} as soon as I can get it out of the office fairly transcribed.

The Bill passed in the house of Burgeesses by so great a majority as 66 against 3, but it met with great difficulties (which your Lord^{'ps} would not expect) in its passage thro' the Council, where it passed by one voice only viz^t 5 ag^t 4. When the Bill was ready for the Council, there were but six Councillors in Town, who, I was informed were supposed to be equally divided in opinion; if so, the Bill must have drop't for want of a majority to carry it. I therefore desired the Speaker to stop the Bill in his House till I could summon the Gentlemen of the Council who were in the Colony to attend, which I did accordingly, and by that means I am of opinion I carried the Bill. The difficulty with the Council lay about a new Emission of paper money necessary to supply me for the recruiting service, which the four Gentlemen who were against the Bill made a foundation for a protest a copy of which I shall send to your Lord^{'ps} with the Act.

For some reasons which appeared to me, I think the paper money was a pretence, as it was a plausible argument against the Bill, and that they would have opposed it at any rate; for the three Gentlemen who pushed me to disband the Regiment before I received his Maj-^{'ty's} requisitions, and even before I had that notice from Gov^r Boone, which the Burgeesses had addressed me to procure (to withstand which measure, I was obliged to have recourse to all my firmness) were the same who joined in this protest; trusting that if they could once get the Regiment disbanded, the Country would not consent to the raising of a new one. But in this their expectations were frustrated, to the credit of the Colony. When your Lord^{'ps} consider their address at the opening this session, I am inclined to think that your Lord^{'ps} will be induced to be of my opinion; and when this is joined to the struggle they made, that I should immediately disband the Regiment at the close of the last Session, it almost puts it beyond doubt.

It is necessary for me to observe to your Lord^{'ps} that on this occasion, I have stretched my influence to the utmost pitch, and possibly the great earnestness which appeared in my whole behavior, might have induced some Gentlemen, who have always shewn great regard to me to vote for the Regiment. What I would infer from this is, that attempts of this nature will generally fail of success, when they come to be repeated; therefore, I hope, I shall not have occasion to try it again; for, tho' I can promise for myself, that my zeal for His Majesty's service shall never fail, I cannot promise for others that it shall have the same happy effect.

I inclose to your Lord^{'ps} a Duplicate of the paper I rec.^d from Gov.^r Hamilton, which I had not by me when I have the honor to send the other Duplicates to your Right Hon^{ble} Board.

I am with the greatest respect

My Lords

Your Lord^{'ps} most obedient and obliged humble servant.

FRAN: FAUQUIER

The war with *Spain* being practically over when the *November* Assembly convened, the Governor argued that the regiment created by the preceding assembly be maintained as a matter of prudence. To this suggestion the Assembly agreed, the regiment remaining at *Stahlnaker's* until the first day of *May* 1763, when it was to be marched to *Fort Lewis*, in the County of *Augusta*, and disbanded. *Indian* matters, however, continued to engage the attention of the Colony, and various delegations from the *Cherokee* Nation visited *Williamsburg* from time to time. It was evident that a feeling of dissatisfaction prevailed among the *Indians*, which finally resulted in much bloodshed, and was not fully and satisfactorily settled until the treaty at *Hard Labor*, in *South Carolina*, on *October* 13th 1768. At this time a large section of land, what is now southwest *Virginia*, *Kentucky* and *West Virginia*, was ceded to *Virginia*, which, in conjunction with the treaty at *Fort Stanwix* on *November* 5th 1768, established the claim of the Colony to the territory extending from the *Alleghany* mountains to the *Ohio* River.

Governor *Fauquier* in his communication to the Board of Trade under date of *May* 1st 1762, calls particular attention to the visit of one of the various delegations which journeyed to *Williamsburg* that year. It is apparent from the tenor of this communication, that some doubt existed in the mind of the Governor as to the result to be derived from such an intercourse with the *Indians*, though every precaution was taken to please them and their ideas were carefully considered:

W^mburg^h May 1, 1762.

My Lords.

In the letter I had the honor to write to your Lord^{ships} of the 16th ult^o I misinformed you as to the name of the Chief Warrior of the Cherokees who was on the Road to this place, for on his arrival, I found it was not Conogotocko who is old, but their Chief Warrior Skiagusta Oconesta, who came here to confirm the peace lately concluded between his Maj^{ty's} subjects and their Nation. This Chief is a man of great influence among them being reputed the boldest warrior of the Nation, and a Man of Integrity, not talking, as they express themselves with a double tongue. He and the Little Carpenter have usually been heads of different parties, and was for that reason one of the last who acceded to the Treaty, tho' he has been the foremost to treat our prisoners with humanity, and to release them. By the Belts of White Wampum, his talk, and his whole manner, he appears to me, to be more to be depended upon than his antagonist, though he has not his parts, nor such command of words. As the Little Carpenter had formerly been in England, he most earnestly solicited me and the Council that he might have permission to go to England to see the great King his Father, and judge whether the Little Carpenter had not told them lies, on whose veracity I found he did not much depend. On deliberating upon this, it was the advice of His Maj^{ty's} Council, that I should represent the inconveniences and dangers he would be exposed to on the sea, by the Enemy and by distempers in Europe. This precaution was taken lest any accident befalling him might inflate his people imagining it might be done by Treachery. In the presence of many of his followers he heard this, & persisted in his resolution of going if he might be permitted. The Council conceiving it might be of very great utility to the Colonies, for him to be personally informed of the number of our people the Grandeur of our King and the great Warlike powers we had at Command, by which they were more likely to be kept in order by us, than if they were ignorant of our strength, advised me to send him and to supply to Captⁿ Blake of His Maj^{ty's} Sloop L'Epreuve now ready to sail with a few ships under his convoy to take him on board, which he very readily consented to do. I have accordingly put him, two of his followers and a faithful Interpreter on board Captⁿ Blake's Sloop, to be transported to England.

I am conscious, My Lords, that such guests are troublesome to His Maj^{ty's} Ministers, but it appears to me to be of so much moment to the peace and interest of the Colonies, that I hope I shall stand excused for having taken this step. The

Indians

Indians will be accompanied by M^r Timberlake an Ensign in our Regiment, who has been in the Cherokee Over Hill Towns, and is much respected by the Indians; he went from our Camp down Holston's River and up the Ianaffee, and has found it navigable for Batteaus which draw 10 or 12 inches water, all the way, by which we find, that we have a good convenience for Men Stores or Merchandize into the very heart of their Country. He has made a draught of the courses & bearings of the River, a fair copy of which is by my order preparing for Sir Jeffery Amherst.

It may be proper to inform your Lord^{ships} that my conduct towards these and all other Indians has varied a little from that of my predecessors. I have never courted them so much, but have always behaved to them with the utmost good faith; and in my conferences, with great firmness and an affected superiority as the Governor of a great King; which seems to me to have the effect I proposes from such a Conduct. This very Man was here in Gov^r Dinwiddie's time much careffed and courted, having the Gov^r's Coach to attend him and his Squah; but this treatment he has not received from me, yet I apprehend, I am as much in his good esteem as the late Governor was.

I am with the greatest respect

My Lords,

Your Lord^{ships} most obedient & devoted servant

FRAN: FAUQUIER.

That a feeling of unrest existed upon the part of the officials at *Williamburg* was clearly established early in 1764, when the Home Government determined to subdue the Northern Indians, who had been constantly harassing the border settlements during the preceding year. Sir Jeffrey Amherst in advising Governor Fauquier of this intention upon the part of the Crown, directed him to require the Colony to form a regiment of 500 men to act in concert with His Majesty's forces in this campaign. He maintained that the western border of *Virginia* was being harassed, and that a vast section of land which now comprises the State of *West Virginia*, was not only claimed by the *Six Nations*, but also by the *Cherokees*, and that the time had arrived for *Virginia* to assert its rights and effect a permanent understanding as to the ownership of the lands in question. Upon receipt of this letter the Governor at once called the Assembly to meet on *January 12th 1764*, at which time he made known the demands of *Great Britain* and requested immediate action in the matter. The assembly, however, failed to comply with this request and adjourned after being in session only nine days. The reasons for not carrying the wishes of the Crown into effect are set forth in the following address of the Burgesses to the Governor, in reply to his opening statement on the condition of affairs in the Colony:

Sir,

Having considered with serious Attention that Part of your Honour's Speech, enforcing the Requisition of his Excellency General Amherst, repeated by the Honourable Major General Gage, we are concerned to find that Measures so wisely calculated to stop the Progress of those Cruelties practised by our savage Enemies on the Frontiers of this and the other Colonies cannot receive Aid from us, under our present Circumstances.

The difficulty of raising Men to assist the common Cause during the late War made it expedient to dispose of large Bounties to encourage their entering into the Service, which, with the Expence of subsisting them, involved us in the disagreeable Necessity of emitting Treasury Notes, to circulate for a limited Time in Lieu of ready Money, of which none could at that Time be obtained.

Troops now to be raised would expect the like Bounty, and be attended with the like Expence; and as we cannot pursue the former Method of providing for them without raising the Clamours of the *British* Merchants trading to this Colony, and thereby incurring ministerial Censure, we are compelled, from the Necessity of the Case, to decline a Measure that would otherwise have met with our Approbation and Assistance.

This

This, Sir, obliges us to rest the Defence of the Frontiers upon our Militia; which, under your Honour's wise Direction, we have reason to hope, from the Experience of last Summer, will prove effectual.

On Feb. 15th 1764, Governor *Fauquier* communicated the decision of the Burgeesses to the Board of Trade, and stated that the session had proved of little importance, and that only a few acts of minor note had been passed:

W^miburgh, Feb^{ry} 15. 1764.

My Lords,

Soon after my arrival in this Colony from assisting at the Congress held at Augusta in Georgia with the Southern Indians, by His Maj^{'ty}'s Commands, I rec'd a letter from Sir Jeffrey Amherst requiring 500 Men from this Colony to Act in concert with His Majesties forces on the British Establishment, to bring the Northern Indians to reason, who were become extremely troublesome to His Maj^{'ty}'s subjects of this and the neighboring Colonies. This requisition was repeated by the Hon^{ble} Major Gen^l Gage. On the receipt of these letters, by the advice of His Maj^{'ty}'s Council, I called an assembly to meet on the 12th Jan^{ry}, who after sitting nine days broke up without complying with the requisition, and entering into the measures proposed to them by the Commander in Chief of His Maj^{'ty}'s forces. On the seventh day of their session, the House of Burgeesses presented an address to me giving their reason why they did not think it advisable for them in the present situation of their affairs to enter into this measure. This address together with my speech at the opening the session and the address of the Council and Burgeesses upon it I have the honor to enclose to your Lord^{ips}. They passed some Acts, but none of any great importance which I shall transmit to your Lord^{ips} as soon as transcribed.

It was agreed among the Governors for His Maj^{'ty} before we parted at Augusta, that the conferences and Treaty should be printed, this was done at Charles Town. I have not yet received any copies tho' I have expected them for some days, as soon as they arrive I will do myself the honor to transmit a copy to your R^t Hon^{ble} Board.

I am with the greatest Respect, My Lords

Your Lord^{ips} most obedient & devoted Servant.

FRAN: FAUQUIER.

Again on July 23rd 1764, the Governor advised the Board of Trade that the Indians were becoming very troublesome to the inhabitants on the frontier. He also called attention to the fact that the reception given the Cherokee delegation when in England, had caused others to seek to indulge in the same pleasures, and that he had referred those applying for this privilege to John Stuart, Supt. of Indian affairs of the Southern district;

W^miburgh, July 23rd 1764.

My Lords.

I am sorry to inform your Lordships that the Indians continue to be very troublesome to the inhabitants on our frontiers, tho' we have a large body of militia (the only forces the Assembly would allow me to employ) out on service to protect them and annoy the enemy wherever they appear. The reception given to the Cherokees who were last in England has incited some others of the Nation to apply to me for a liberty to gratify their curiosity, and make themselves of more consequence to their Nation by so doing. But as I saw no immediate occasion for troubling His Majesty's Ministers with a second visit from guests of that sort, I have put them by, and told them on all occasions in which their business did not immediately concern the Colony under my government, they must apply to M^r Stewart whom His Majesty had appointed Superintendent of Indian Affairs for such purposes. . . .

I have nothing further to trouble your Lordships with but that I am with great

respect

respect

My Lords

Your Lordships most obed.^t obliged and devoted Serv.^t

FRAN: FAUQUIER.

Stuart refusing the request of the *Indians* to visit *England*, caused no uncertain degree of discontent among the *Cherokees* on the *Virginia* border. This condition of affairs, associated with the murder of several *Indians* in *Augusta* County early in 1765, nearly resulted in an uprising of the *Cherokees*, and but for the timely efforts of Colonel *Lewis* war would have certainly resulted. The circumstances surrounding the killing of these *Indians*, is set forth in a clear manner in a letter from Colonel *Lewis* to Governor *Fauquier*, dated *Augusta* County, May 9th 1765. In this communication the Governor was advised that a party of friendly *Indians* en route to *Winchester* were attacked by the whites and massacred. He further advised the Governor that he would make every effort possible to prevent an uprising and that justice would follow when the murderers were brought to trial:

Augusta County,^t May the 9th 1765.

Hon^{ble} Sir,

Yesterday a very unhappy affair was transacted near Staunton, which may, if not timely guarded against, prove very fatal to this Colony. On the fifth of this instant a party of *Cherokees* came from our frontiers to Staunton, some of them I was perfectly acquainted with; they gave me to understand that they were designed for *Winchester* and would be glad of a pass, as they were from thence to go to war against the *Ohio* *Indians*, and was to meet some other warriors beyond *Fort Cumberland*. The want of an Interpreter prevented my making them sensible that their travelling thro' our country, even with a pass, where they might not be known, would be attended with danger on their part. However on finding them determined to go, after they had refreshed themselves two nights, they were provided with proper colours and a pass. There was ten in number their two principal men's names was *Nocoknowa* and *Choconantee*. They marched about five miles and lodged in an out-house on the plantation of one *John Anderfons*. Yesterday morning as soon as it was light a party of villainous bloody minded rascals, notwithstanding they knew they were *Cherokees* and had a pass, attacked them in the most treacherous manner, killed their Chief and four more on the spot, and wounded two more. The five poor creatures that made their escape has taken the woods and will undoubtedly reach their Nations as quick as possible they can, or at least some of them will get home. In order to quiet the Chiefs of the *Cherokees* and if possible to restrain the whole Nation from taking satisfaction at their own hands I have wrote to the Chiefs of the *Over Hill* Towns, from whence this party came, and has sent it to the hand of *Col. Chifwell*, desiring him to find means of sending it as quick as possible. In my letter to their Chiefs, I have endeavoured to persuade them that your Honour will undoubtedly take every just means to give them satisfaction by ordering the murderers to be apprehended and put to death, and desire them to take no rash steps, as they may be assured your Honour will loose no time in writing to them by express.

From what I can learn the number of the villains that committed this murder is between 20 and 30; the names of the two ringleaders is *William Cunningham* and *John King*; one of the party was wounded by an arrow, to wit *James Clendening*; he was taken & afterwards rescued by the others before he reached the gaol. No doubt but it will be your Honour's pleasure that those fellows may be brought to justice, and will send me instructions what steps to take, with warrants signed by your Honour. Inclosed you have a copy of the letter I sent to the Chiefs of the *Over Hill* Towns.

I am,

Your Honours most obed.^t
& very hum. Serv.^t

AND^w LEWIS.

Replying

Replying to this communication five days later, Governor *Fauquier* stated that he had laid the matter before the Council and the House of Burgeffes, which were then in session, and that immediate steps would be taken to make amends for the action of the August militia :

Williamsburg, May 14th 1765.

Sir

Your messenger which brought your letters containing the melancholy account of the barbarous attack on the Cherokee Indians arrived here yesterday. I immediately laid them before the Council and the House of Burgeffes who were then sitting. You can better conceive than I describe the shock they received at the news, and the abhorrence and detestation they expressed of so inhuman an action. They dread bad consequences and have taken all possible measures in their power to avert them. If this is the conduct of your young men, with what face can they complain of Indians who are more than Indians themselves? Can they produce greater instances of brutality and perfidy among the most barbarous Nations? Yet I imagine if any Indians should appear on our frontiers they would be among the first to call for protection, and by militia to put this Colony to the expence of twenty or thirty thousand pounds to defend them. I would ask themselves whether they deserve protection? and if hereafter they should be left to fight their own quarrels with the Indians without the lower parts of the Colony interfering in their disputes, they have no one to blame but themselves. I wish your County were made sensible of the risque they run of losing their property if not their lives by following and permitting these atrocious practices. But it is time to quit the disagreeable part of this affair, and see what is to be done to stop the impending dangers which threaten us. The prudent measures you have already taken meet with an universal approbation and you are hereby required to use your utmost endeavors yourself and spirit up all the other Magistrates to use theirs, to apprehend the rest of these villains, and when an examining Court (as the law directs) has been held upon them, to raise and arm as many men as you can safely depend upon, and as are necessary to escorte them down to this gaol, to prevent a risque. By the Proclamations I have sent you (which you must disperse) and by the Resolve of the House of Burgeffes, you see how much the country is in earnest to apprehend these cruel, and I may add, cowardly murderers. I have sent for Abraham Smith whom I design to send express into the Cherokee Country with a letter to their Chiefs, and several of the Proclamations, to convince them, if possible, that I am taking every step to bring the criminals to justice, and to give them satisfaction. God grant the endeavors of myself and the body of the country may have the desired good effect. I further desire you will speak to Mr Silas Hart the present High Sheriff, & let him know that it is my earnest desire that he would himself impanel a jury to try these Criminals, out of the Gentlemen of the County which are most distinguished by their property knowledge impartiality and integrity; and not leave it to the Under Sherif, who may probably summon ignorant men who have little or no property to lose, and of course have less reason to dread as they have less ability to foresee consequences. I have only to add that I have nothing more to wish for from you than the continuance of that zeal which you have exerted on this occasion, and for which I am much obliged to you. I am
Your humble Servant

FRAN: FAUQUIER.

After forwarding his letter to Colonel *Lewis*, the Governor at once communicated with the *Cherokees*, announcing at the same time the regret expressed by the authorities at *Williamsburg* upon being advised of the murders in *Augusta*, and stating that Colonel *Lewis* would at once take such steps as were necessary to bring about a satisfactory ending of the unfortunate affairs :

My

W^mburg May 16, 1765.

My Dear Friends and Brothers.

I have the melancholy news to tell you which grieves me to the heart, having the same concern for what happens to my brothers the Cherokees as for the white men under my government. I have been informed by one of my great Captains Colonel Andrew Lewis whom many of you know; that ten of your Nation after being kindly entertained by him as brothers for two nights, were most barbarously set upon by a much larger number of our young men, who, contrary to the laws of this country and the treaties of friendship subsisting between us, have killed five of your people. Col. Lewis tells me he has already sent a messenger into your Towns to inform you of this dismal affair. He has already taken two of the murderers and is endeavoring to take the rest. When his letters came to me our Assembly of wise men were fitting, who shew their abhorrence and detestation of this action by the Resolutions they came to, and the Proclamation they desired me to issue, copies of which I herewith send you, that you may see what part this country takes in your cause. The great rewards offered in the Proclamation will I hope be a means of taking the rest of the criminals or at least many of them. It is the command of the great King George, and it is my sincere wish and desire, that we should live in perpetual friendship with our brothers the Cherokees. And when you coolly consider the steps I have taken in this affair, I hope you will be fully convinced that it has been owing to the ardor of some hot headed inconsiderate young men whom yourselves own you cannot sometimes restrain from mischief, and not to any countenance or encouragement given them by me or any body in authority under me. Your people were kindly entertained by my great warrior Col. Lewis. He gave them a pass and colours to march through the country as brothers and friends. When he was informed of the murders he went to bewail his beloved brothers. He apprehended two of the criminals. He was the first to give you information of this unhappy affair. We have taken the fault wholly on ourselves and have not charged the Cherokees with any share in it. I have issued a Proclamation offering great rewards for taking the rest of the offenders, being willing to give my Brothers all the satisfaction in my power. Are not these the actions of friends who desire to live in peace? And I hereby promise to do you the strictest justice on the offenders, in the same manner exactly as if they had killed white men.

Having in this open candid and friendly manner set the whole affair before you without concealing or disguising any part of the truth; I hope the cool wise men of your Nation will act in the same manner and restrain their young men from taking any revenge, till further events convince them of the sincerity of our intentions to do them justice and give them full satisfaction for the injuries done you. I hope you will take pains to keep the path clean between our people and your Nation, that messengers may pass freely and safely between us that we may jointly use our endeavours to prevent an effusion of blood between brothers. I shall send two copies of this letter by different messengers into your Nation, being desirous you should receive one as soon as possible, to convince you of my good intentions to you, who has never yet deceived you.

I shall now take my leave of you with wishing that the chain may be held fast by both and kept bright as long as the sun shall shine or the rivers run.

Given under my Hand and Seal the sixteenth day of May, one thousand seven hundred and sixty five.

FRAN: FAUQUIER.

On May 26th 1765, the Governor advised the Board of Trade of the information forwarded him by Colonel Lewis, and stated that he feared that the people on the frontier of Virginia were more anxious for war than for peace, he believing that the increased pay to militiamen was a direct result of the border troubles of the time. Furthermore

he

he recommended to the assembly that they repeal the clause in the Militia Act that augmented the pay of soldiers, and that until this was effected, one of the strongest forces in favor of war with the *Indians* would remain in full force and effect.

In the meanwhile Colonel *Lewis* was exerting every effort at his command to apprehend the murderers of the *Indians*, and after having succeeded in arresting three of them, one was rescued and two given their freedom by the jailor, in whose custody they were entrusted. This information Colonel *Lewis* conveyed to the Governor on June 3^d 1765:

Augusta County,¹ June y^e 3^d 1765.

Sir,

In my last letters to your Honor I mentioned the taking of James Clendening and Patrick Duffy, two of the murderers of the Cherokees. Clendening was rescued before he reached the prison. Duffy was in prison three nights; on the 4th a number (as is believed by the Gaoler and some others) not less than one hundred armed men posted themselves round the prison, some of them entered the house of the gaoler and demanded the key of the prison; it being refused them, they, after using some violence and many threats, with axes broke the Prison door and carried off the said Duffy, declaring at the same time that they had most of the County to back them, and that they would never suffer a man to be confined or brought to justice for killing of Savages.

Since I received your Honor's letter with the Proclamation, M^r Jones who is King's Attorney, and I, had the Depositions of several persons taken, in order to discover the murderers; by which it appears that William Cuninghame and John King was the ringleaders, that William Young, James Clendening, Alexander Robertson, Patrick Duffy, Charles Baskins, Hugh Baskins and William Anderson, were of the number that committed the murder. Upon which warrants were made out and put in the hands of the Sheriffs for apprehending them; but none of them is yet taken. The Gaoler being sworn declared that he knew but two of the men that broke the prison; there is warrants out for the apprehending them. From what has happened and from what I am able to judge of the number and dispositions of the banditti; it will be impossible (if any of the murderers be taken) to confine them in this Country, nor is it likely that they can be brought to justice by the ordinary methods of law; for unless the persons that might take them were enabled to carry them down to Williamsburg as soon as apprehended by some authority from your Honor, they will undoubtedly be rescued.

Near the place where the murder was committed is found dead another of the Cherokees; from what I can learn it is the young fellow called Choconante, son of the Standing Turke, who was for some time Chief of the Cherokee Nation. Every thinking person especially those that are most exposed to the depredations of the Cherokees, dread the consequences of this unhappy affair, as it is too likely the injured Cherokees will look for satisfaction in their own way; and with what face can we plead with the Government for assistance when an act of our own (and I am sorry I have it to say so generally approved of us amongst us) should be the cause of all the distresses that may befall us. However in justice to the people that live on our frontiers I must say they had no hand in it. When they first discovered the Indians they collected some armed men, whoe went to the Indians, and on their finding them to be by all likelihood Cherokees, they not only suffered them to pass to Staunton, but sent from place to place a white man with them.

Some days after the murder was committed, a poor unhappy blind man and his wife was killed by two of the Indians that made their escape. This indeed is no more than what I expected, that they would leave behind them a mark of repentment. I am

*Your Honors most obed^t.
and very humble Serv^t.*

AND^w LEWIS

The

The efforts of Colonel *Lewis* to bring the guilty parties to justice met with much indignation in *Augusta* County, and on *June* 4th 1765, a body of men styling themselves "*Augusta Boys*" issued a proclamation offering a reward of 1,000 pounds to any one arresting Colonel *Lewis*, and setting forth at the same time another version of the murder, which they maintained was justified, owing to the fact that the *Indians* constituting the party were not *Cherokees*, but belonged to the *Shawanese* and *Delaware* tribes:

PROCLAMATION OF THE AUGUSTA BOYS

JUNE 4 1765.

A PROCLAMATION.

Augustas'

We *Augusta Boys* in heart are and do profess ourselves His present Majesty's (King *George* the Third) true and liege subjects, and unhappy we being on this very verge of His Majesty's Dominion, have, by the unparaled deceit of an insidious and cruel heathen enemy been repeatedly distressed, and find it impracticable to maintain the legal rights granted us by His Majesty, and think it expedient to act in the offensive when any of those our known enemies presumes under the pretence of friends (without a warrantable pass) to pass among us. And as there was a party of *Indians* to the number of ten, which lately travelled into our territories, some of which was known and proved to be of the *Shawnee* and *Delaware* Nations, and a few of them endeavored (as we suppose) to shade their specious designs under the appellation of their being our friends viz^t. the *Cherokees*, and as the said *Indians* obtained a pass from Col. *Lewis* for reasons we suppose only known to himself, it appears and is apparent to to us that he the said Colonel *Lewis* is not attached in heart to his present Majesty or his liege subjects:

We therefore, out of our sincere love to our Sovereign and his interest, and our candid love to justice, do promise a reward of one thousand pounds for the taking of the said Col. *Lewis*, that he may be brought to justice, and for Doct^r. *William Fleming* and Captain *William Crow* of *Staunton* five hundred pounds each, as deemed by us Dupes and Parasites in said case. And we do further offer a pardon to Lieu^t *Michael Thomas* and *Luke Bowyer* if they, each for himself provide a string of beads &c. that they may live as formerly without depending alone on the smiles of Col. *Lewis*, otherwise let them instantly repair out of our Sovereign's Dominions to that of their desired *French King*.

Our hearts are true unto our Kings.
And means all rebels down to bring.

This information Governor *Fauquier* communicated to the Board of Trade on *June* 14th 1765, admitting at the same time that the Colony did not possess strength enough to enforce obedience to law in the mountain region. He further stated that the wiser course to pursue was to be extremely prudent, rather than attempt vigorous action in *Augusta* County. This determination upon the part of the Governor, was no doubt due to the almost universal feeling in that section that the presence of any *Indian* was obnoxious to the settlers in that region. He also stated that a band of men calling themselves "*Paxton Boys of Pennsylvania*," had sent a message to the people of *Augusta* County, that if they were not strong enough to rescue persons arrested for murdering *Indians* that assistance would at once be forwarded from *Pennsylvania*. This condition of affairs naturally created a gloomy aspect, which was not wholly eliminated until the end of 1775, when all of the territory that had occasioned a dispute between the Colony and the *Indians* for years became Crown lands.

Such was the condition of the *Indian* affairs in *Virginia* at the time of the Resolutions against the "Stamp Act." The feeling or unrest which seemed to be the most prominent subject for discussion on the border, was admitted to permit of but one solution, and that the complete conquest of all of the territory now constituting the States

of

of *West Virginia* and *Kentucky*. It was everywhere proclaimed that war with the *Cherokees* was inevitable, and while it was averted from time to time, by the various treaties already alluded to, the ultimate result was the sanguine and bloody encounter of 1774 at *Point Pleasant*. In this memorable battle the triumph of the whites over the red man in *Virginia* was settled for once and for all, and, while roving bands of *Indians* committed many depredations along the borders for years thereafter, no effort to prevent the supremacy of the whites was ever attempted. So it was that the great question of the acquisition of *Indian* lands by *Virginia* was finally and effectively settled, and the beautiful valleys of the *Shenandoah* and the *Ohio* opened up for settlement.

During the period between 1760 and 1765, the question of the Colony's credit was a matter of much deliberation. The constant fluctuation in the value of gold and silver, and the necessity for the emission of paper money, had created a condition of affairs that bid fair to bankrupt the Colony. Owing to a law then in force, gold and silver coins had a value far beneath their real worth, which practically eliminated such specie from circulation. Merchants in this country were unable to meet their obligations to merchants abroad, which resulted in little aside from the actual necessities of life being imported. In order to effect a change in the money system of the Colony and bring about a satisfactory adjustment of this question, the *Virginia* merchants presented a remonstrance to the Board of Trade, setting forth their indebtedness to foreign merchants and calling for an established basis upon which money values could be determined. As it was not thought that Governor *Fauquier* was favorable to the theories advanced by the merchants at this time, he was not made acquainted with the provisions of the petition, which related in part to the question of future emissions of paper money. This remonstrance to the Board of Trade was followed early in 1763, by a petition of the *London* merchants to the same body, in which they sought an adjustment of the differences between them and the merchants in *Virginia*. These petitions being favorably received at once made the question an issue which remained in an unsettled state until 1764.

Governor *Fauquier* in his communication of July 10th 1762, called attention to the remonstrances of the *Virginia* merchants which he claimed to be a mere subterfuge, and that the real purpose of the Colony was to be free from the expense of maintaining a regiment in *Virginia*. This statement, however, is not upheld by the resolution adopted by the Burgesses on Saturday, May 28th 1763, when they maintained that Treasury Notes had always been accepted by *London* merchants in payment of sterling debts, and that the holders of such notes, having accepted them under a law making them legal tender except in payment of quitrents, should and must be protected:

W^miburgh,¹ July 10th 1762.

My Lords,

I have been informed, that several of the Merch^{ts} of this Colony have signed a Remonstrance to be presented to your R^t Hon^{ble} Board in relation to the future Emissions of paper money; but I am utterly ignorant of its contents, any more than the public Rumour, it having with great industry been concealed from me, so that I have never been able to get at a sight of it. I believe it has been confidently said, even by some of the Remonstrants themselves, that the drift and aim of it was to get quit of the expence of the Regiment, which the Legislature has so cheerfully given for His Majesty's service; well knowing that the Regiment cannot be supported without Emissions of paper money; there being neither gold nor silver in the Colony, owing to a Law now in force, which sets a value upon Gold and silver coins, far beneath their real worth according to the present exchange. This inconvenience is so sensibly felt, and the cause now so generally allowed, that it is supported on all hands, that some regulations and alterations will be made in the ensuing session of Assembly, which will meet to sit on the Country's business on the 2nd Nov^r; your Lord^{ships} are the most competent Judges, what degree of encouragement ought to be given to any particular set of Men, who remonstrated against the Acts of the Legislature; which is a practice seemingly getting foot in this Colony, since the example

set

¹ Bancroft Transcripts—Library of Congress.

set by the Reverend the Clergy, who could not be brought to make any application for the redress of their grievances to the General Assembly while sitting, but chose to remonstrate against the act after it was passed. . .

Your most ob^t Servant,

FRAN: FAUQUIER.

Again on November 3rd 1762, Governor Fauquier advised the Board of Trade, that if any issue was to arise during the Assembly then in session, that it would be entirely due to the question of paper money. He also alludes to the great rise in the exchange value of currency, which he attributes to the increase of imports, and further states that the tobacco crop of the year will not suffice to meet the indebtedness of Virginia merchants:

W^ml^{burg}h¹ Nov^r 3rd 1762.

My Lords,

As the Gosport, ship of War is now arrived to take under her Convoy the homeward bound Trade to Europe, I shall take the opportunity of transmitting to your R^t Hon^{ble} Board the Box of Acts and other public papers which has been long ready waiting for such a safe conveyance.

My Assembly met yesterday in good humor, greatly satisfied with His Maj^{'ty's} approbation of their conduct signified to me by Sir Jeffery Amherst, so that I am in hopes, they will do every thing in their power to continue to merit His Maj^{'ty's} favour. If there should be any obstruction to the measures proposed to them, it will arise altogether from the Clamour ab^t Emissions of paper, without which I do not see how we could possibly have raised a Man for His Maj^{'ty's} service. The great rise of Exchange is altogether attributed by some Men to the Emissions of paper currency, but I am entirely of opinion there is a much more fundamental cause for this rise, to wit, the Increase of the Imports, to such a height, that the crops of Tobacco will not pay for them, so that the Colony is so far from having money to draw for in England, that they are greatly in debt already to the Mother Country, which debt is daily increasing as the Merchants of Great Britain too sensibly know. This is a truth, which some of the most thinking Gentlemen of the Colony see and acknowledge, but at the same time is so disagreeable a truth to the generality, that they obstinately shut their eyes against it, and what is to be done to remedy it, I know not, I fear they are not prudent enough to quit any one article of luxury, till smart obliges them. I thought it necessary to give your Lord^{ships} my sentiments on the true cause of the present high exchange of which I fear your Lord^{ships} will hear from the Merchants of London, who, as I before wrote your Lord^{ships} are acted upon by Gentlemen of this Country, for they had sat down quiet under the present Laws of the Colony, by which their Sterling Debts are actually secured to them. There is such a warmth at present in this Colony about this; that I thought it absolutely necessary to take notice of it in my speech at the opening this session, to recommend cool deliberation on the subject, which I thought the importance of it demanded. For these reasons I have herewith troubled your Lord^{ships} with a copy of my speech on the occasion; the addresses consequent upon it are not yet prepared.

I am with the greatest respect

My Lords

Your Lord^{ships} most obliged and devoted servant,

FRAN: FAUQUIER.

The Assembly meeting on the 19th of May, 1763, Governor Fauquier called particular attention to the question of the Sterling debts of the Colony and urged that some immediate action be taken to bring about liquidation. At this time the situation had become very acute, the Burgeesses having resented the action of the merchants in attempting to settle their differences without submitting their plans to the Assembly for consideration. This body had already given the question much time and thought, and while they were

willing

willing to enact satisfactory laws, they maintained that such a course was impossible unless specie could be secured for circulation. This the merchants doubted and in disagreeing sought the aid of *Great Britain*, which at once effected a rupture and resulted in an indefinite postponement of the final settlement of the question

GENTLEMEN OF THE COUNCIL,

MR *SPEAKER*, AND GENTLEMEN OF THE HOUSE OF BURGESSES,

I have called you together before the Time to which you stood prorogued, on Business of the greatest Importance to the trading Interest of this Colony but to that of our Mother Country.

You may remember that on a former Application of the Merchants of *Great Britain*, trading to *Virginia*, I was honoured with an Instruction from his Majesty that I should recommend it to your Consideration in what Manner you could better provide for their Security in recovering Sterling Debts due from this Colony to them: Your Neglect of that Instruction has now drawn on you the Censure of the Right Honourable the Board of Trade, for that Behaviour. On a fresh Application of the Merchants to their Lordships, they have come to several Resolutions on that Head, which I shall immediately lay before you. I have never yet deceived you, and I will not now attempt it; but, in plain Language, inform you that all Endeavours to evade their Force will prove fruitless, and plunge you still deeper in his Majesty's Displeasure. It is absolutely necessary that something should be done to give the Merchants that Satisfaction for which they call upon you, and for which, in Case of the Integrity of your Hearts, and of your Desire that every Man should receive full Payment and Satisfaction for the Debts due to him, whether contracted in Sterling of current Money, whether he be an Inhabitant of *Great Britain* or *Virginia*, I am fully persuaded you will immediately do every Thing in your Power to do them the strictest Justice, and remove their Fears. The Means of effecting this I shall leave to the Result of your own Deliberations, after recommending two Points to your Consideration.

As the Support of public Credit is of the most urgent Importance to a trading Country, I must press you to take Care that the Paper Money now in Currency may be effectually redeemed at the Times stated in the Acts of Assembly passed for that Purpose, either by better providing for the Collection of the present Taxes, if sufficient for the End proposed, or laying some additional Tax, if the present are found insufficient for the Purpose, that the Periods for redeeming the same may not be protracted.

Another Point I would recommend to you is the repealing the insolvent Law, passed last Session of Assembly, before it can take Place and have any Effect. This Measure must fully convince his Majesty, his Ministers, and even the Merchants of *Great Britain* themselves, of your upright Intentions, and your Desire of doing Justice to all Mankind; for upon your reconsidering that Law you will find that the Advantages to the Debtor and Creditor arising from it are not mutual; and that a Debtor has it in his Power to act with great Partiality, by paying particular Creditors before he is reduced to give up the Whole for the Satisfaction of the others. This is a Point which you may be sure cannot be overlooked, and which must necessarily turn to your Disadvantage, if you do not put a Remedy to it yourselves.

After thus representing to you the Situation of your Affairs with the Right Honourable the Board of Trade, I should not do Justice to their Lordships who compose that Board were I not to point out their Lenity in postponing any Observations on your Conduct, or any Report to his Majesty in your Disfavour, until they had communicated their Resolutions to you, to give you Time to reconsider these Matters coolly, and remedy the Evils complained of. For this

Purpose they have not only sent them in to me, but have given Copies to Mr *Abercrombie* and Mr *Montague*, to be by them transmitted to every Branch of the Legislature.

I am persuaded I have said enough to convince you of the Utility and Necessity of your engaging heartily in the Measures enforced by the Resolutions of the Right Honourable the Lords of Trade; and as the least Appearance of Reproach must sensibly affect feeling Minds, I shall quit this unpleasing Subject, to enter upon one which must communicate Joy to all true Lovers of their Country, I mean the Conclusion of a most glorious and honourable Peace between his Majesty and all his Enemies, of which happy Event I take this Opportunity to congratulate with you. The Care his Majesty has taken of his *American* Colonies is a further Proof of his Attention to their Interest and Security, and demands the strongest Returns of Loyalty, Obedience and Affection, from us.

MR *SPEAKER*, AND GENTLEMEN OF THE HOUSE OF BURGESSES,

This glorious Prospect of a solid and lasting Peace will afford you an Opportunity of particularly attending to the Finances of this Colony, and of putting them on a Footing which may tend to the Advancement of the Trade and Credit of the Colony, and the Security and Satisfaction of the Merchants trading to it, and which may correspond with the Sentiments of the *British* Ministry as to the Establishment of the Currency of the Colonies; for the answering all which good Purposes, I doubt not you will provide with your usual Prudence and Impartiality.

GENTLEMEN OF THE COUNCIL AND OF THE HOUSE OF BURGESSES

The Points I have recommended to your Consideration call upon you for your most serious Reflexion, and I hope you will enter upon them with that Degree of Earnestness and Harmony which the Nature of them requires from you.

Replying to the Governor's address on *Friday 20th May, 1763*, the Burgesses maintained that they did not think it equal or just to circulate notes without giving them the value of money by making them legal tender:

SIR,

We his Majesty's most dutiful and loyal Subjects, the Burgesses of *Virginia*, now met in General Assembly, humbly beg Leave to represent to your Honour that as our several Emissions of Treasury Notes, so loudly complained of, were made in Consequence of his Majesty's Requisitions, when it was impossible to procure Specie for those Exigencies; and there being no other Succedaneum than Paper within our Knowledge, we could not expect what we then did would be considered otherwise than as Acts of Duty to our Sovereign; and we hoped that Expedient, not indeed in itself always eligible, was justified by Necessity: And we do not think it equal or just to circulate such Notes without giving them the essential Quality of Money, by making them a legal Tender in Payment of all Debts, except for his Majesty's Quitrents, and would not have emitted them at all upon any other Conditions.

That after the Courts were empowered to direct at what Difference of Exchange Judgments for Sterling Debts should be discharged, which Power had never been abused to the Disadvantage of any Creditor, and as the Notes were redeemable by Funds sufficient, in our Opinion, for that Purpose, if the Taxes imposed were duly collected, for regulating and enforcing which Collection the most effectual Methods have from Time to Time been established, and that none of them could suffer, except from the fluctuating Nature of Exchange, which no Laws can guard against; and therefore we did not apprehend we should deserve Censure as neglecting the royal Instruction, the Spirit of which, we humbly conceived, had been complied with.

Under

Under such Circumstances, we cannot help considering it as an Instance of Weakness or Caprice in the *British* Merchants, still to insist on Satisfaction in these Points, especially when the Evil they complain of, the excessive Rise of Exchange, will be sufficiently balanced by the Advantage they must inevitably receive from its present declining State.

We, Sir, are so conscious of the Rectitude of our Intentions with respect to all Creditors, and of our having done, as we conceived, the strictest Justice to them, that we cannot help feeling very sensibly the least Appearance of Reproach on this Account; but lest we may have been mistaken in our Conceptions, and as well to convince the World of our Integrity and Inclination to do Justice to all Mankind, as to pay that Regard which is due to your Honour's Recommendation, of whose Sincerity we have had too many Instances to doubt it upon this Occasion, and to whom we own ourselves obliged for that Freedom with which you have warned us of our Danger, we will reconsider this Subject with the Coolness and Attention the Importance of it deserves, and assure your Honour that every Thing in our Power shall be done for the Support of publick Credit: And although our Conduct herein may not entirely remove the Fears of all the Merchants, permit us to hope it may prevent his Majesty's Displeasure, which we should lament as our greatest Misfortune, and shall ever most studiously endeavor to avoid.

We will also take the insolvent Law under our Consideration and remove all Causes of Complaint on that Head, if possible.

We do most heartily rejoice with your Honour on the Conclusion of the Peace, an Event not more glorious to his Majesty than it will be happy for us, whilst with that is continued the additional Blessing of his princely Attention to our Interest and Security, which shall ever meet with the warmest Returns of Gratitude, Loyalty and Affection.

The Governor in his communication of *May 24th, 1763*, to the Board of Trade, notes the apparent dissatisfaction existing in the Assembly, and urges that no notice be taken of such parts thereof as indicate the displeasure of that body:

W^miburgh¹ May 24th 1763

My Lords,

In the address of the Burgeesses there appears, as your Lord^{ships} will observe some warmth against the Merchants of Great Britain, whom they think they support by their consignments of Tobacco to them, and by whom they think they have been ill used on that account; but by the pains I have taken, I, with the concurrence of the most reasonable part of the Members of that body I have now some reason to believe that they will coolly consider matters and come into every thing recommended to them or expected from them. In my answer to this address I thought it advisable to take no notice of the warm parts of it, but pin them down to such assurances and Resolutions as I thought would best answer the present purpose.

I am with the Greatest respect, My Lords,

Your Lord^{ships} most obedient and devoted servant

FRAN: FAUQUIER

As the result of the Governor's efforts to adjust the finances of the Colony, the Assembly appointed a committee on *Monday 23rd May, 1763*, to inquire into the funds for the redemption of paper currency, the matter being referred to Messrs. *Bland, Richard Henry Lee, and Benjamin Harrison*. This committee reporting on *Tuesday 24th of May*, it was resolved that the notes established for the redemption of the treasury notes at the several stated periods were sufficient for the purpose, and if a deficiency occurred it should be met by a new and adequate tax. It was further resolved that a committee be appointed to take the Governor's address into consideration. This committee after several days consultation presented a report for the consideration of the House on

Saturday

Saturday 28th of May. Mr *Charles Carter*, Chairman of the committee appointed to prepare this address presented the same, whereupon it was read and agreed to by the House.

In this address the Assembly declared that the possessors of treasury notes had received them with the understanding that they were legal tender, except for his Majesty's quitrents, and that any law contrary to such an understanding would be an injustice to the people:

SIR,

Your Honour having, with your accustomed Candour and Goodness, communicated to us the Complaint of some *London* Merchants trading to this Colony to the Right Honourable the Lords of Trade and Plantations, and their Lordships Resolutions thereupon, we took the same under our serious Consideration, and find ourselves under the Necessity of vindicating the Integrity and Uprightness of our Proceedings, every Way, in our Opinion, consistent with our Duty to our King, and the true Interest of our Country.

Our Dependence upon *Great Britain* we acknowledge and glory in as our greatest Happiness and only Security; but this is not the Dependence of a People subjugated by the Arms of a Conqueror, but of Sons sent out to explore and settle a new World, for the mutual Benefit of themselves and their common Parent: It is the Dependence of a Part upon one great Whole, which, by its admirable Constitution, diffuses a Spirit of Patriotism that makes every Citizen, however distant from the Mother Kingdom, zealous to promote its Majesty and the public Good.

By such a Spirit, and by such Principles, Sir, hath our Conduct ever been influenced; and we hope we may, without Arrogance, take this Character to ourselves, since our late and present Sovereigns have been pleased frequently to bestow it upon us for the Part we took in the late War, when we did, as far as we were able, contribute to the Success of the *British* Arms.

This Conduct, though it hath received the royal Approbation, a Reward adequate to our warmest Wishes, hath nevertheless involved us in a great Debt; which, as it was created for the noblest Purpose, we should cheerfully sustain, if the Merchants had not raised a most unreasonable Clamour against our Paper Bills of Credit: In the Emissions of which, when a true and particular State of the Facts shall be laid before you, and the Matter rightly understood, we doubt not a Zeal so well intended will rather be imputed to us as meritorious than liable to any Exception.

The Memorial, we are concerned to find, is supported by a Protest of some of his Majesty's Council here. We would leave this Protest to its Repose, until Posterity, for whom it is said to have been designed, should think it worth a Perusal, had it not been communicated by the Authors of it with a View to alarm the trading Interest, and applied to Purposes, and produced Effects, which we hope the Protesters themselves did not intend; but since that hath raised the Apprehensions of the Memorialists, and instigated them to solicit the Interposition of the Right Honourable the Board of Trade, we must do Justice to ourselves by examining the Grounds of it. It is alleged "that the Want of a sufficient Quantity of circulating Money was at first the Pretence of issuing Paper Bills of Credit." This is supposed to have meant, as it was understood, to insinuate that these Emissions were to answer private Purposes; but, if it be remembered that all our neighbouring Colonies had long before adopted, and most of them repeated, the Expedient of Paper to supply the Want of Specie in Time of Peace, but that we did not follow their Example before the last War, after all our Treasure was anticipated, and that even then we chose at first to borrow £10,000 granted for his Majesty's Service, at the high Interest of six per Centum, and never, until after that Resource failed, went into a Measure so

little relieved, and always, except in one Instance of trifling Consequence, confined the Amount of the Notes to the Money granted: If these notorious Truths are admitted, we leave it to the Judgment of the Disinterested whether at such a Crisis, when an actual Invasion threatened, if not timely and vigorously opposed, our total Extermination, the powerful Principle of Self Preservation, co-operating with the Requisitions of a most gracious Sovereign, are not sufficient to acquit us of any fordid or unjust Motives.

It is said in the Protest "that the Apprehensions of the Mischiefs that must be the Consequence of issuing more Paper Money were sufficiently warranted by the acknowledged Deficiency of the Taxes for sinking what had issued, a Deficiency so alarming to a preceding Assembly that it astonished the Warmest Advocates for Paper Money." By whom this acknowledgment was made, or what Part of the Assembly was alarmed at it, we know not; but this we know, and do assert, that there are no warm Advocates for Paper Money among us, further than to preserve the Credit of what hath been issued, and prevent the evil Consequences of stopping its Circulation at this Time; and that no such Deficiency ever appeared, or was alarming to, or acknowledged by us.

Indeed, upon Examination of the Treasurer's Accounts, it appeared that many Sheriffs had not paid in the Taxes received by them, and therefore so much Money was not annually burnt as was intended by the Laws. This raised the Repentment of the House against these Officers, and consistently with their uniform Intentions to use every Method for enforcing regular Collections of the Taxes, and sinking annually the due Proportion of this Paper they ordered the Sheriffs in Arrears to be prosecuted on their Bonds, which, as our Laws have provided a speedy Remedy against them, and they give sufficient Security, hath already brought in a considerable Part of those Arrears, and will, we hope, remove all Cause of Complaint on that Account. But this Neglect in the Officers is very distinguishable from an Insufficiency in the Taxes, which we never doubted were sufficient, if properly collected, to effect the Purpose of Redemption; and we are now confirmed in this Opinion, by a full State of the Notes in Circulation, and of the Taxes, which we have caused to be truly drawn, and annexed hereto, for the Satisfaction of your Honour, and every Person concerned.

From this it will appear that the dissenting Members of the Council were betrayed into a too hasty Assertion of these Facts, by a Warmth arising from a Difference of Opinion about the Utility of the Law whereto their Protest related; of which we will now take Leave, and proceed to the Consideration of the Memorial itself, and the Resolutions of the Right Honourable the Board of Trade thereupon.

Our Reasons for not providing at this Time for the supposed Deficiency in our Taxes, will appear from what is before set forth; but to express, what we always conceived, that our publick Faith is engaged to supply any accidental Failure in those Taxes, we have upon this Point come to the following Resolution:

"*Resolved*, That it appears that the Funds established for the Redemption of the Treasury Notes, at the several stated Periods, will be sufficient to effect that Purpose; but that if, by any Accident, they shall happen to fail, any Deficiency ought to be supplied by a new and adequate Tax."

The next Thing pointed out to us is the declaring these Notes not a legal Tender in Payment of Sterling Debts, but that they may be received by such Creditors only as are willing to accept them, and then not at their nominal Value, but according to the real Difference of Exchange between such Paper Bills and Sterling Money at the Time of Payment.

In entering upon this Consideration we encounter a Charge which very deeply affects us, that we have been wanting in a proper Respect to the Crown,

as well as in Justice to the *British* Merchants, in refusing to comply with what was recommended by his late Majesty's Instruction of the 31st of *January*, 1759: When that Instruction was communicated to us by your Honour, we considered it with the Attention and Regard due to whatever comes from the Throne; but, as we must be allowed to judge for ourselves, so far as our Sanction is necessary to any Law, and could not be convinced that the Measure proposed was proper, we did indeed decline to pass such a Law, but at the same Time, in an humble Address and Representation to his Majesty, modestly set forth the Reasons of our Conduct, which we presumed to hope would preserve us from the Imputation of Disrespect to the Crown, and from royal Displeasure. And as we heard of no further Complaints from the *British* Merchants on this Subject, from that Time until the Meeting of this Session, we concluded they were satisfied of our Intentions to do them Justice; and we can venture to say that had we known our Reasons were not satisfactory, it would have prevented several subsequent Emissions, and particularly the last, which gave Rise to the present Complaint.

The Memorialists allege that Exchequer Bills and Notes of the Bank of *England* were not made legal Tender in Payment of Debts, although they are upon a better Establishment than our Notes, and deduce an Argument from thence against ours being declared such Tender, not considering, as we conceive, the true Distinction in the Cases, The Notes of the Bank of *England*, circulated upon Stocks of Specie, deposited to answer Payments when demanded, were not forced upon any Person, nor was it necessary: There was no Doubt of their answering every local Purpose of Money; and when the Case of Remittance to foreign Countries Specie became necessary, as they could obtain that for their Notes, no possible Fears could prevent the willing Receipts of them, and make a Law to compel an Acceptance proper. We cannot deny but this makes that Kind of Paper preferable to ours, and we should gladly have pursued so eligible a Plan, if our Circumstances would have admitted it; but when it is considered that the Want of Specie, which had been drawn away by the Armies to the Northward, was the sole Cause of issuing our Notes, there will require no other Reason to be assigned for our not circulating them upon the Footing of Bank and Exchequer Notes. We had, therefore, no other Method than to emit these Notes to circulate their Return to the Treasury, or Gold and Silver sufficient to redeem them by the Time appointed. And since we were to force them as Money upon our Army, and those who furnished them with Necessaries, we conceive it would have been very unjust to have left their Creditors at Liberty to take it of them or not; and the same Injustice must have happened wherever it had been stopped. We therefore thought ourselves obliged not only to give it that essential Quality of Money, to make it a legal Tender in all Payments, but to add several other Restrictions, to preserve its Credit, and prevent the Designs of the Avaritious to depreciate it for their private Gain.

But at the same Time we considered how the Interest of the *British* Merchants might be affected by this Money, and, at least as far as was in our Power, if not effectually, secured that from Injury.

We ever considered ourselves as under an Obligation to discharge our Debts contracted in *Great Britain*, either in Sterling Money or foreign Coin, received by Consent of the Creditor, or his Attorney here, as such a Rate for the Difference of Exchange as would place the Money in *Great Britain* without loss. If the Creditor and Debtor could not agree about this Difference, as Reference to Arbitration, or to the Courts of Justice, was the only regular Method of settling it between them. But as the Demand, and in Consequence the Judgment, was for Sterling Money, and until the Year 1748 there was no Law directing at what Rate of Exchange Sterling Debts should be discharged, the Consequence was that the Sheriffs, when they levied Money by Executions on Judgments for Sterling, demanded what Exchange they thought proper, to

the great Oppression of the Debtor and without any Advantage to the Creditor. The Assembly then thought proper to put a Stop to such unjust Proceedings, and, by the Act, entitled, *An Act declaring the Law concerning Executions, and for Relief of insolvent Debtors*, directed for such Executions for Sterling Money to be levied at 25 per Centum, the real Difference of Money, and the then Difference of Exchange. The *British* Merchants complained of this Act, and represented that they might be considerable Losers when Exchange should rise above 25 per Centum, which the Assembly took into their Consideration, and endeavoured to provide a Remedy for. They knew that, as Exchange is fluctuating, they could not do Justice by fixing it to any certain Standard; and therefore, by the subsequent Law taken Notice of in the Memorial, they empowered the Courts, where Sterling Judgments should be obtained, to settle at what Rate of Exchange the same should be discharged, which they conceived would enable the *British* Creditor to place his Money there without Loss, as it was not doubted but the Courts would be governed by the highest Exchange given at the Time for Bills drawn payable in *Britain*.

But the Memorialists say, this is not an ample Security of their Property against the evil Consequences of Paper Money being declared a Tender for their Debts. We will beg Leave to consider their Reasons, in Support of this Assertion in the Order they have mentioned them:

The first is, they are advised that the Law of 1748 is still in Force, having received the royal Assent, which the amending Law could not obtain as the former remained unrepealed. This amending Law is not suspended for his Majesty's Approbation, but, from the Terms of it agreeable to the royal Instructions was in Force from the Time of its passing here until his Majesty shall declare his Dissent and Repeal thereof; which not having happened, and the Courts here allowing the Force of that amending Law, and acting according to the Spirit thereof, we conceive it would have been more for the Interest of the Memorialists to have solicited his Majesty's Approbation of that Law, if they thought it necessary, than to have founded Objections on its not being in Force; and if the royal Dissent, or any Determination here, that the Law was not in Force, had turned to their Prejudice, they then might have complained with Reason on this Head.

The next Objection to this Remedy is, that it is left to the Colony Judges to settle the Exchange upon Sterling Judgments in such Manner as they shall think reasonable and just, which they say is introducing a Mode and Form of Justice unheard of in the *British* Realm. We have before observed that when we have not Sterling Money to pay Debts due in *Great Britain*, the Debtor is left to compound with his Creditor for Payment in foreign Coin, or Treasury Notes, at such Rate of Exchange as they can agree on; if a Dispute shall arise on that Head, which they cannot adjust between themselves, to whom can it be referred, but as all other Disputes are, to the Courts of Justice, the true constitutional Resort? And we cannot discover what the Memorialists mean by calling this a new Mode of Justice, unless it be that the Point should be tried by a Jury, and not by the Courts, in which, if we erred, it was from a mistaken Opinion that the latter would prove in this Instance the most competent and impartial Judges. And as the Courts have constantly, in the Exercise of this Power, allowed the highest Rate of Exchange, as settled by the general Consent of all the Traders, at which Bills of Exchange upon *Great Britain* were sold at the Time, we humbly insist that Sterling Debts are virtually paid in Treasury Notes, not according to their nominal Value, but according to the real Difference of Exchange between them and Sterling Money.

But it is said, Experience hath shown, in many Instances, this Mode to be insufficient, in as much as the Exchange hath risen, between the Time of the Orders of Court and a Possibility of the Creditors obtaining a Remittance, to his
Disadvantage

Difadvantage. We allow there have been fuch Instances, but we muft be permitted to fay the Difadvantage hath hitherto been fmall and inconfiderable, of a cafual Nature, againft which no human Laws can provide, and for which therefore we cannot fuggeft a Remedy; and the Injuries fuftained will be fully compenfated by the Advantages the Creditors muft inevitably receive, in the fame Proportion, from the prefent declining State of Exchange. By the Method propofed, inftead of this objected to, the Creditor is at Liberty to refufe this Paper unlefs paid him at fuch Rate of Exchange as he is pleafed to demand; and we fubmit to all Mankind to determine which is moft liable to Objection, to refer the Decifion to difinterefted Judges, under the Obligation of an Oath, to do equal and impartial juftice, or to the Creditor, under the Temptation of Intereft, to take Advantage of his Debtor's Neceffity, and extort fuch Differences as might be very oppreffive, which we conceive would directly tend to deftroy the Credit of our Paper Money, and introduce the greateft Mifchiefs.

We hope we have fully explained the Juftice and Neceffity of having made thefe Notes a Tender in all Payments, guarding as we did the Intereft of the Sterling Creditors; and if this was originally right, every Argument muft doubly militate againft an Alteration at this Time in this effential Point: For, when thefe Notes have been allowed to circulate feveral Years, and the prefent Poffeffors have received them under the Faith of a Law which obliged their Creditors to take them in the fame Manner, to take away that Obligation, and to ftop the Paper in their Hands, would be an Act of Injuftice, which, in our Opinion, bears no Proportion to any poffible Injury the Sterling Creditors fuftained, or can receive, from continuing the Notes on their prefent Footing.

For thefe Reafons, after the moft mature Deliberation, we cannot alter our former Opinion, and have come to the following Refolution:

Resolved, That as the prefent Poffeffors of the Treafury Notes have received them under the Faith of a Law making them a legal Tender in all Payments, except for his Majefty's Quitrents, to alter that effential Quality of them now would be an Act of great Injuftice to fuch Poffeffors; and that as the *British* Merchants have constantly received, and under the prefent Regulations of our Laws will continue to receive fuch Notes for their Sterling Debts, according to the real Difference of Exchange between this Colony and *Great Britain*, at the Time of Payment, their Property is fo fecured as to make fuch Alteration unneceffary with Refpect to them.

In advifing the Board of Trade of the action of the Affembly, Governor *Fauquier* ftated that he was unable to comply ftrictly with its demands "for the better eftablifhing the credit of the Treafury Notes." He further ftated that the Burgeffes contented themfelves with fending him a long addrefs fetting forth their reafons in the Treafury Note matter:

W^m burgh¹ June 1st 1763.

My Lords.

And now, My Lords, I am forry to fay I could go no further, for inftead of complying ftrictly with the fatisfaction your Lord^{ts} demanded for the Merchants and for the better eftablifhing the credit of the Treafury notes, the Houfe of Burgeffes contented themfelves with fending me a very long Addrefs containing reafons for their conduct with the ftate of the Treafury accounts, and the produce of the Taxes annexed; which I have enclofed to your Lord^{ts} with my answer in the Box with this. It appearing to me by the ftate of the account, that the Taxes would really fink the whole paper money by the Time prefcribed, efpecially as the Tax on Tithables is found to encrease confiderably on the laying of every new Levy, I waved the preffing them on this article, and turned the whole force of my argument in all my converfations with any of the Members of the General Affembly, on the expediency and fafety of taking off the legality of the Tender for Sterling Debts. But the danger

danger of this measure was by long prejudices so deeply rooted in their minds, that I think I brought but four Gentlemen over to my opinion, to consider this matter in the light in which I considered it; and this was done not by any general reasoning, but by supposed case, I brought in order to illustrate my meaning which was this. I supposed that A, a Gentleman of known great fortune (indeed I instanced Mr Nelson) should give out promissory notes for a large sum, and that B, a Gentleman of very small fortune should do the same, and that the legislature should give B's notes, the essential property of money by making them a legal Tender, w^{ch} they should refuse to A's notes, I asked whether any Man in his senses, would not more willingly take the notes of A without the sanction of a legality by Act of Assembly, than the notes of B with it. But like the deaf Adder, they stopped their Ears.

I am with the greatest respect and Regard

My Lords,

Your Lord^{ships} most obedient & devoted servant.

FRAN: FAUQUIER.

Being unable to accomplish the wishes of the Board of Trade in the Paper Money question, the Governor determined that the Assembly should be prorogued, hoping thereby to receive a more favorable consideration of the Money question at another session. In his address to the Burgeffes, at this time, he acknowledged that the taxes appeared to be fully sufficient to answer the ends proposed, but maintained that the Assembly should have provided for the full payment of all outstanding notes:

GENTLEMEN OF THE COUNCIL,

MR SPEAKER, AND GENTLEMEN OF THE HOUSE OF BURGESSES,

When I called you together, to lay before you the Resolutions of the Right Honourable the Lords Commissioners for Trade and Plantation Affairs, founded on a Memorial of the Merchants of *Great Britain* trading to this Colony, presented to their Lordships, I hoped and expected that you would, by some Acts or Resolves, have removed all future Cause of Complaint from the Merchants, and given full Satisfaction to their Lordships in all the Points recommended to your Reconsideration.

By the State of the Accounts of the Treasury, and the Taxes laid to sink all the various Emissions of Paper Money at the Times stipulated in the several Acts empowering the Treasurer to issue such Notes, I must candidly acknowledge that the Taxes do appear to me to be fully sufficient to answer the Ends proposed; but, let this be granted: What Objection could there have been to your having bound yourselves, by a formal Resolve of the whole Legislature, to have provided for a full Payment of all the Notes outstanding, by some additional Tax adequate to the Purpose, in Case of any accidental or unexpected Deficiency of those now in Being? This you might have done with the utmost Safety; for if the Taxes already laid should prove sufficient, no new Burthen would have been laid on the People; and if they should not, your Honour stands engaged to make up all Deficiencies, however occasioned: And then it would have remained with you to have considered whether the Legality of the Tender of Paper Notes, after such Stability and Security given them, might not have been taken off without risking the Ruin and Destruction of the Colony, so much dreaded, as the Consequence of removing it.

Having Nothing further to expect from you in this Session, I shall now prorogue you, and you are accordingly prorogued, to the third *Tuesday* in *August* next.

Having prorogued the Assembly to the third *Tuesday* in *August*, and determining that the time was not propitious to discuss the Money question, the Assembly was again prorogued to *Thursday*, *January* 12th, 1764. During this short session of nine days, an attempt was made to have the Assembly further provide for the maintenance of the regi-

ment

ment raised during the late war. This the Burgeffes refused to do, upon the ground that fuch an act would again incur the difpleasure of the *British* merchants, and poffibly refult in minifterial cenfure. Nothing, therefore, was done with the Money queftion at this feffion, though it was taken up and difcuffed at length.

During the feffion beginning the 30th of *October*, 1764, the Governor, in his opening addrefs, called attention to a new propofition made by the merchants of *Great Britain* trading in *Virginia*, to have their Sterling debts fecured to them by a payment in Sterling money. He reafoned that this was perfectly juft and that it was the duty of the Affembly to effect fuch a refult:

GENTLEMEN OF THE COUNCIL,

Mr. SPEAKER, AND GENTLEMEN OF THE HOUSE OF BURGESSES,

You are now met in General Affembly, after a long Recefs, to confider of and go through the Bufinefs of the Country, and fuch other Points as may be offered for your Deliberation. In the Courfe of this Seffion many Matters of Importance will come under your Confideration; and by the long previous Notice you have had of the Time of your affembling, I hope I now meet you prepared to undergo with Patience and Cheerfulnefs the Fatigue which a long Seffion unavoidably brings with it.

Befides the ordinary Bufinefs of the Seffion, I have it in Charge to lay before you, and earneftly recommend to your moft ferious Attention, a Propofition made by the Merchants of *Great Britain* trading to this Colony to the Right Honourable the Board of Trade, relating to their having their Sterling Debts fecured to them by a Payment in Sterling Money: This is reafonable on the Face of it; and the Lords of Trade have left it to you to provide for it yourfelves, by any Means you fhall think moft expedient to effect that Purpofe, before they referred the Complaints of the Merchants to the *British* Parliament. This Lenity of their Lordfhips demands a fuitable Return from you: And that you may be the better enabled to anfwer their Expectations, I fhall immediately lay before you a Minute of the Proceedings of that Right Honourable Board, and the Letter their Lordfhips have fent to me on that Head. By a now Long Experience, I have always found you difpofed to do Juftice to all Men; and I hope this Difpofition will induce you to give that Juftice to the Merchants which fhall be fatisfactory, not only to his Majefty and his Minifters, but to the Merchants themfelves. This Letter I have long fince received; but being unwilling to give you an additional Trouble, and create an unneceffary Expence to the Country, I did not immediately convene you, but poftponed it to this Time, when it was thought proper you fhould meet, as I judged this would anfwer the Purpofe intended: But then, Gentlemen, I undertook to anfwer for you that you fhould enter upon this Matter immediately on your Meeting, that I might be enabled to tranfmit to their Lordfhips your Acts, in Confequence of the Propofition offered you, Time enough for their Lordfhips to make that Ufe of them which they fhould think proper. That I may perform this Engagement, which I have entered into on your Account, I make no Doubt but that you will, without Delay, proceed on this Bufinefs; and that the Refult of your Deliberations will do Honour to yourfelves, Juftice to the Merchants, and give Satisfaction to the Miniftry.

The letter referred to by Governor *Fauquier* and which he tranfmitted to the Affembly, authorized that body to legalize the tender of paper money in payment of debts. As this was in conflict with an act¹ of Parliament, Governor *Fauquier*, under date of *November* 16th, 1764, ftated that acting under inftructions received from that body, he felt it his duty to offer and recommend that fuch a courfe be followed. He likewife ftated that he had alfo received inftructions to prolong the time in which it would be legal to tender money already emitted.

Replying

¹ Statutes at Large, VI. p. 560. ² Bancroft Tranfcripts—Library of Congress.

Replying to the Governor's address, under date of *Friday, November 9th 1764*, the Burgeffes declared that no Sterling specie being in circulation they could not secure the debts in the manner suggested by the merchants, but stating that they had "revifed the feveral laws authorizing the Paper Emissions, and directing the Rate of Exchange at which Judgments for Sterling Money should be discharged:"

Sir,

The Burgeffes of *Virginia*, now met in General Assembly, have had under their most serious Consideration that Part of your Honour's Speech recommending the Re-examination of the Complaints of the *British* Merchants to the Right Honourable the Board of Trade, relating to our Paper Money, with the Resolutions of their Lordships thereupon: And that we might proceed with a Deliberation that should fully evince the Rectitude of our Intentions, we revifed the feveral Laws authorizing the Paper Emissions, and directing the Rate of Exchange at which Judgments for Sterling Money should be discharged; and have also reviewed our Reasons, presented to your Honour at a former Session, in Support of the Justice of those Laws. The present Proposition being only that we should secure the Payment of Sterling Debts in Sterling Money, here, in *Great Britain*, we examined how either of those Payments might be effected; and as we have not Sterling Specie to pay here, which the Merchants well know, we could secure the Sterling Creditors from Injury, in the Receipt of the Paper by no other Means, that we can suggest, except by directing that they should be paid so much Paper as would place their Money in *Britain* without Loss. This, we are still of Opinion, the Law directing the Courts to settle the Exchange on all Judgments fully effects; to which we can add no greater Security, without altering our Currency in that essential Part that makes it a legal Tender in all Payments, which we think, we cannot do without violating the Principles of natural Equity, in regard to the present Possessors. And as we conceive an Alteration unnecessary with Respect to the Creditors, and might be attended with Oppression as well as Injustice to the Debtors, we can by no Means agree to that Measure; especially as a Payment in Paper is preferable to one in Sterling Specie here, if such we had to pay, since that Specie could not be sent to *Britain* without a Loss of Freight and Insurance. . . .

This action upon the part of the Assembly was accepted by the merchants in *Great Britain* as a satisfactory adjustment of the differences existing between them and the merchants in *Virginia*. By revifing the feveral laws authorizing the emission of paper money, the long existing harmony between *English* and *American* trade was at once re-established. The causes which led to this rupture largely resulted from the stringent laws of Parliament, which forbade a proper adjustment of the finances of the Colony. This was due in no uncertain degree to the unusual demands on the part of the Board of Trade, which not only was objectionable to *Virginians*, but would have resulted in the most gigantic debt of Colonial times. The period from 1758 to the passing of the resolutions against the Stamp Act was, therefore, one of great financial trouble, and as a forerunner of the Revolution, was largely instrumental in cementing the interest of the Colonies.

The action upon the part of the Board of Trade, in permitting the Assembly to revise the feveral laws on the Paper Money question, was a happy ending of the differences between the merchants in *Great Britain* and those in *Virginia*. By this act the trade systems of the Colony again became operative, and remained upon a satisfactory basis to the close of *British* rule in *America*. The circumstances which led to this rupture were varied and many, the most important being the demand upon the part of the Board of Trade for the establishment of the Colony upon a war basis. Past experience

experience had shown the lack of necessity for a standing army in *Virginia*, and such regiments as had been authorized had resulted in numerous debts, which the people had to meet by heavy and unjust taxation. The period covered by the financial troubles of the Colony, was, therefore, one of great trouble, and as a forerunner of the Revolution was largely instrumental in cementing the interests of *Virginia* with those of the other Colonies.

Closely associated with the differences between the foreign merchants and those in *Virginia*, was the "Two Penny Act," or what is commonly known as the "Parson's Cause." As already noted one of the most difficult problems of the Colony was to secure money for any purpose. *Virginia* had been denied the privilege of coinage, and as trade with *Great Britain* brought no gold or silver into the Colony, it was, therefore, necessary for the planters to have a medium of exchange wherewith to pay their bills, and as tobacco was the chief product the planters used it for this purpose. From time to time, various acts were passed to regulate this custom which was inaugurated in 1632,¹ by an act providing for five warehouses, in which all tobacco intended to be used as a medium of trade should be stored and properly inspected. Subsequent revisions of this law resulted in Inspectors Certificates and Notes being given at legal warehouses, which became the main currency of the Colony. These notes were accepted, not only for private but public debts, and the expenses of the government were estimated and taxes levied upon tobacco as the basis of exchange.

In 1696 the salary of the clergy of the Established Church was fixed at 16,000 pounds of tobacco, which was to be levied by the several vestries and parishes throughout the Colony. "Lawful perquisites" also existed in the use of the glebes and the monopoly of marriage and burial fees. This law which occasioned the dispute between the Colony and the Assembly, did not allow for fluctuation in the price of tobacco, nor did it prescribe for a reduction in the salaries of the Clergy in event of a failure of the tobacco crops. As the absence of clauses of this nature injured to the Clergy the same income annually, whether the crops were gathered or not, the law was deemed unsatisfactory and after being in force for more than fifty years, the Assembly determined to amend it, so as to distribute the burden resulting from a failure of the tobacco crop upon all residents of the Colony. This action was bitterly opposed by the Clergy, who maintained that their rights as set forth in the Act of 1696 were inviolable, and that the Assembly in amending the Act did so in direct opposition to the Church of England:

AN ACT² FOR THE BETTER SUPPLY AND MAINTENANCE OF THE CLERGY.

Whereas a competent and sufficient provision for the clergy will be the only means to supply this dominion with able faithful and orthodox ministers whereby the glory of God may be advanced, the church propagated and the people edified, and, *whereas* the law now in force entitled glebes to be laid out, in making such provision, doth seem very deficient and uncertain.

Bee it enacted by the Governour, Councill and Burgeesses of this present generall assembly and the authority thereof, and it is hereby enacted, That the said act of assembly in the printed book entitled glebes to be laid out, and every clause and article thereof be from henceforth repealed and made void, to all intents constructions and purposes as if the said act had never been made, any thing in the said act or in any other act to the contrary in any wise notwithstanding.

And be it enacted by the authority aforesaid, and it is hereby enacted, That all and every minister or ministers in all and every parish and parishes in this dominion incumbent in the said parish or parishes and therein officiating as minister or ministers shall have and receive for his or their maintenance the

sume

¹ Henning, I, p. 203. ² *Ibid.*, III, p. 151.

fume of sixteen thousand pounds of tobacco besides their lawfull perquisites, and that it shall and may be lawfull for the vestry or vestries of any parish or parishes and they are by vertue of this act authorized and impowered to raise and levy the same in their respective parish or parishes, as also to levy five per cent for collecting and paying the said tobacco convenient.

And be it further enacted by the authority aforesaid, That it shall and may be lawfull for the vestry and vestries of all and every parish and parishes to appoint the church-wardens off whome they think fitt to collect and receive the ministers or other parish dues, and the said person or persons soe qualified as aforesaid, shall be and are hereby impowered in case of non-payment to make distresses for the same.

An be it further enacted by the authority aforesaid, That all and every vestry and vestries in this dominion shall bee and are hereby authorized and impowered where the same is not already done to purchase and lay out a tract of land for the glebe att their discretion and att the charge of their respective parishes. And likewise to build and erect a convenient dwelling house for the reception and aboad of the minister of such parish or parishes att the discretion of such vestry or vestries. *Provided allwayes,* and it is the true intent and meaning of this act, that if any vestry or vestries of any parish or parishes shall find their parishes to be so small and poor and not to be able to allow and maintaine a minister as aforesaid, that then application of the vestry or vestries to the governor of the time being, that their respective parishes may be united and consolidated to the next adjacent parish or parishes. And, *whereas* the clerk of the registers fee seems to be so small an encouragement for an office of soe much trust,

Bee it enacted by the authority aforesaid, and it is hereby enacted, That every clerk of the register shall and may lawfully by vertue of this act take and demand the sume of five pounds of tobacco or fixpence for recording and registering every birth, burial or marriage and the church wardens of the said parish or parishes or any other person or persons appointed by the vestry or vestries are hereby authorized and impowered to collect the same, or in case of non-payment to make distresses.

In 1748 a revision of this law was effected which established the value of inspected tobacco at sixteen shillings and eight pence per one hundred pounds. This was fifty per cent in excess of the valuation of tobacco in 1696, when the law fixing the clergy's salary sixteen thousand pounds was enacted. It became necessary, therefore, to effect an understanding whereby the annual allowance of the clergy should not exceed in aggregate the actual value placed upon their services by this act:

AN ACT, FOR THE SUPPORT OF THE CLERGY; AND FOR THE REGULAR COLLECTING AND PAYING THE PARISH LEVIES.

I. Be it enacted, by the Lieutenant Governor, Council, and Burgeesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That every minister now preferred, or hereafter to be preferred to, or received into any parish within this dominion, shall have and receive an annual salary of sixteen thousand pounds of tobacco, and cash, with an allowance of four *per cent.* for shrinkage, to be levied, assessed, collected and paid, in manner herein after directed.

II. And be it further enacted by the authority aforesaid, That the vestry or every parish within this dominion shall, and they are hereby authorized and required, at some convenient time, before the first day of *December*, in each year, to meet and lay the parish levy; whereof public notice shall be given by
the

the minister or reader, at each church in the parish: And every vestry is hereby authorized and required to levy and assess, upon the tithable persons in their respective parishes, as well the minister's salary aforesaid, as all other the parish charges, and also the legal allowances for cess, where the tobacco due to any parish creditor shall be contracted for to be paid with cess, together with the allowance of six per centum for collecting the parish levy.

III. *And be it further enacted by the authority aforesaid*, That where any parish is or shall become vacant, by the death or removal of their ministry, the vestry of such parish shall have power to levy the salary aforesaid, or any part thereof, for satisfying some neighbouring or other minister, or ministers, for serving in the cure of such parish during the vacancy.

IV. And for the better collecting and paying the parish levies, *Be it further enacted by the authority aforesaid*, That the vestry of every parish respectively shall be, and is hereby authorized and empowered, to nominate and appoint such person as they shall think fit, to collect and receive their parish levy, the person so appointed giving bond, with sufficient securities, that he will duly collect, pay, and satisfy, unto the several parish creditors, all tobacco for them levied: And every such collector, for his trouble, shall have the allowance herein before appointed, and shall also have full power and authority, by virtue of this act, upon refusal of payment of the said levies, or any part thereof, by any person or persons chargeable therewith, to distrain the slaves, goods, and chattels, of the party refusing, and to make sale thereof, in the same manner as is by law directed for other distresses: And if the vestry of any parish shall neglect or refuse to levy the tobacco due to the minister, or other parish creditors, in such case, all and every the vestrymen of the parish neglecting, or refusing, shall be liable to the action of the party grieved, his, or her executors, or administrators, for all damages which he or she shall sustain by such refusal or neglect.

V. *And be it further enacted by the authority aforesaid*, That in every parish of this dominion, where a good and convenient glebe is not already purchased and appropriated, a good and convenient tract of land, to contain two hundred acres at the least, shall be purchased by the vestry, and assigned, and set apart for a glebe, for the use of the minister of such parish, and his successors, in all times hereafter; and where mansion, and other convenient out-houses, are not already erected, for the habitation of the minister, *It is hereby declared, and enacted*, That the vestry of every such parish shall have power, and they are hereby authorized and required, to cause to be erected and built on such glebe, one convenient mansion house, kitchen, barn, stable, dairy, meat house, corn house, and garden, well paled, or inclosed with mud walls, with such other conveniences as they shall think fit, and to levy the charge of the glebe land, and buildings, on the tithable persons in their respective parishes.

VI. And to the end the buildings already erected, or hereafter to be erected upon every glebe, may be kept in good repair, *It is hereby further enacted*, That every parish minister within this dominion shall, during the time of his being minister of the parish, keep and maintain the mansion house, and all other the out-houses and conveniences, erected, or to be erected on his glebe, in tenantable repair, and shall so leave the same at his removal from his parish, or death, accidents by fire, or tempest, only excepted: And in case any minister shall fail so to do, such minister, his executors and administrators, shall be liable to the action of the churchwardens of the parish, for the time being, wherein the value of such repairs shall be recovered in damages, with costs of suit, and the damages so recovered, shall be applied and laid out in making necessary repairs upon the glebe: And every vestry of a vacant parish is hereby empowered and required, to put all the buildings upon the glebe of their parish, into such good and sufficient repair, as that the same may be fit for the reception of the succeeding minister: *Provided nevertheless*, That any vestry, who shall judge that the

minister

minister has not wilfully committed any waste on his glebe, may make such necessary repairs, at the charge of their parish as they shall think fit: And every minister, received into any parish as aforesaid, shall be entitled to all the spiritual and temporal benefits of his parish, and may maintain an action of trespass against any person or persons whatsoever, who shall disturb him in the possession and enjoyment thereof.

VII. And whereas it is doubted, how long the right of presentation of a minister to a parish, remains in the vestries in this colony: For settling that matter, *Be it further enacted, by the authority aforesaid*, That the sole right of presentation shall be, and remain, in the several vestries, for and during the term of twelve months next after a vacancy shall happen in their respective parishes.

VIII. *And be it further enacted, by the authority aforesaid*, That one act made in the first year of the reign of his present majesty, intituled, *An Act for the better support of the clergy of this dominion; and for the more regular collecting and paying the parish levies*: And all and every other act and acts, clause and clauses heretofore made, for or concerning and matter or thing within the purview of this act, shall be, and are hereby repealed.

IX. *And be it further enacted, by the authority aforesaid*, That this act shall commence and be in force from and immediately after the tenth day of *June*, which shall be in the year of our Lord one thousand seven hundred and fifty one.

In *October* 1755, the Burgeffes finding that a great drought had cut short the crop of tobacco, which would make it impossible for the people to meet their tobacco debts, they passed an act making it lawful for debtors to pay all debts, including taxes, in money, at the rate of sixteen shillings and eight pence per one hundred pounds of tobacco. This was at the rate of two pence per pound, hence the act was known as "The Two Penny Act."

AN ACT TO ENABLE THE INHABITANTS OF THIS COLONY TO DISCHARGE THEIR TOBACCO DEBTS IN MONEY, FOR THIS PRESENT YEAR.

I. WHEREAS by reason of the great drought a very small quantity of tobacco is made, so that the inhabitants of this colony are not able to pay their public, county and parish levies, and the officers fees, and other tobacco debts in tobacco for this present year, according to the directions of the laws now in force; for remedy whereof, and to prevent the sheriffs and other collectors of the public dues, from taking advantage of the necessities of the people, and exacting exorbitant prices for tobacco, due or payable to them from the poor and needy.

II. *BE it enacted, by the Lieutenant Governor, Council, and Burgeffes, of this present General Assembly, and it is hereby enacted, by the authority of the same*, That it shall and may be lawful to and for any person or persons, from whom any tobacco is due by judgment, for rent, by bond, or upon any contract, or for public, county and parish levies, or for any secretaries, clerks, sheriffs, surveyors or other officers fees, or by any other ways or means whatsoever, to pay and satisfy the same, either in tobacco, according to the directions of the act of Assembly, intituled, *An act for amending the staple of tobacco, and preventing frauds in his majesty's customs*, or in money, at the rate of sixteen shillings and eight pence, for every hundred pounds of nett tobacco, and so in proportion for a greater or lesser quantity, at the option of the payer: And the sheriffs and other collectors shall, and they are hereby required to receive the same from any person or persons, in discharge of any such levies and officers fees; aforesaid, shall account with, and pay to the persons entitled to the same, in proportion to their several demands, all tobacco and money which they shall receive in payment

ment of such levies and fees, which shall discharge such sheriffs and collectors from any other demand for such levies and fees, any law to the contrary thereof notwithstanding.

III. *Provided always*, That nothing herein contained shall extend, or be construed to extend, to any public, county, or parish levies, or officers fees now due or hereafter to become due, in any county where by law the inhabitants of such county, are now impowered to discharge the same in money.

IV. *And be it further enacted*, That this act shall continue and be in force for the space of ten months, and no longer.

The passage of this law marked the beginning of the breach between the Clergy and the Assembly, and gave rise to one of the most important events in the history of Virginia. "As it was an effort to regulate a fluctuating currency, by one acknowledged to be the standard, and only directed the value to be placed on that which had fluctuated, which was in the minds of the parties to the contracts involved, and of the legislature when the public taxes were laid, it was generally admitted to have been right and proper." As was anticipated, however, the value of tobacco rose but the increase in price did not keep pace with it. This being advantageous to the clergy, they were unwilling to be denied the privilege of collecting their salaries in kind, and addressed a letter to the Bishop of London, asking that the act be annulled by the King:

THE CLERGY OF VIRGINIA TO THE BISHOP OF LONDON.

Virginia,¹ 25, 1756.

May it please your Lordship,

We the subscribers being of the Established Clergy in the Colony of Virginia, humbly beg leave to represent to your Lordship the great hardships we at present lye under by an act of our legislature, past here in Nov^r last (a copy of which is enclosed), which we humbly conceive is a breaking in upon our establishment, an insult upon the Royal Prerogative & contrary to the liberty of the subject, as well as to natural Justice & Equity. This, may it please your Lordship, is a heavy charge; but yet, if upon a true & candid representation of the case, your Lordship shall think as we do, we hope for your interest & intercession at the proper board to have this law, so far as it affects us, your Lordships's clergy, repealed.

That your Lordship may be sensible of the hardships we complain of, be pleased to consider, that there ever has been a standing Law in this Colony & which has lately rec^d the Royal assent "that every beneficed Minister of the Chh of Engl^d shall receive an annual Salary of 16,000 lbs of Tobacco, paid by the respective Parishioners, but this last year, because small Crops of Tobacco were made & a high price consequently expected; our legislature in a new & unprecedented manner, have altered the law confirmed by the sanction of royal assent, so far as to make it optional in the people, to pay either Money or Tobacco; & which is still a greater hardship upon us, they have valued out Tobacco at an under rate, viz: at 2d per lb., when the market is generally expected to be 3d if not 4d per lb. (of this Currency which is at least 25 per cent worse than Sterl^s & sometimes more). When the market is low, which has been generally the case from 1724 till now, the Clergy are obliged to rest satisfied with what they can get for their Salaries which are but too Scanty at best, we therefore hope that your Lordship will think with us, that we ought in justice to have the benefit of the rising market, but when your Lordship is pleased to consider that this option law has a retrospect & deprives us of a property earnt & due before it was a law, your Lordship may be satisfied of this Retrospect in the Law complained of, we beg your patience while we inform you, that the Vestries (who have the Power by Law to Levy the Clergy's Salaries) take care not to Levy any Tobacco for their Parish Minister till it is due (i. e.) suppose we are rec^d into

into a Parish (for Institution & Induction we have none), in the fall, when the Parish Levy is laid by Law; The Vestries Levy no Tobacco for us till that time 12 Months & the Tobacco then Levied is not demandable by Law till the last of May following & perhaps not rec^d for some months after that, so that at our first setting out in the world, in low circumstances, we are obliged to labor in our extensive Parishes (some of which are 100, many 60 & 70, & the common extent of them 30 & 40 Miles in length), in extremeties of Weather both hot & cold for a year & a half at least & sometimes longer before we receive our Salaries: by which time many of us are obliged to run so much in debt that we can hardly ever after retrieve our circumstances & all this time the Law we complain of has a retrospect & deprives us of a property due by Virtue of a former law & a law too that has had the royal assent & pursuant to his Majesty's instructions to the Gov^r cannot be altered or any other enacted in its place, without a suspending clause, till his Majesty's pleasure is known (one of which instructions is, as we are assured, not to pass or materially to alter any Law, in contradiction to one that has obtained the Royal assent for a year & a day; or till such time as his Majesty's pleasure shall be known). Our legislature were so sensible that their option Law is contrary to Royal Prerogative & Instruction & withal so apprehensive were they that it would be repealed, so soon as it was known at home; that to make sure work of it, they enacted it to be in force for 10 months only, which was long enough for their purpose, as all Tobacco Payments would be over in that time; & yet a repeal could not be obtained. This may it please your Lordship is a true state of the case, & one would think that there must needs be some extraordinary reasons for passing so extraordinary a Law, yet when your Lordship is pleased to consider these reasons, they are such as will by no means, justify the conduct of the legislators, for in the 1st Place, the small quantity of Tobacco made (which seems to be their main argument), will by no means do it, for small Crops of Tobacco are so far from being a loss to the Country that in the opinion of the most discerning Judges, they are an advantage to it. To explain this to your Lordship, we beg leave to observe, that by reason of the great quantity of Tobacco commonly made, the Market is Overstockt; & the low prices given are hardly able to support the Planters. But if there was less made, the market would rise in proportion & the Planter would get as much for his small quantity, as he at any time would, for his greater. This our legislature are so well aware of, that they have made several attempts to lessen the quantity of Tobacco, by a Stint law & now when Providence has made a stint to their hands by an uncommon Drought in the Summer & a Frost early in the fall, it is very hard that the Clergy should be denied the benefit of it. The next reason given for passing the law is, to prevent frauds & impositions in Collectors. But we humbly apprehend, that this law now complained of, will be so far from answering this pretended good end, that it will open a door to greater frauds & impositions than any Law ever yet did, for as it leaves it to the option of the Payer, to pay either Money or Tobacco, the collector will be sure to make his advantage by it & pay to public Creditors what best suits his interest which in such a multitude of Payers, he may safely do without the least risk of being detected. Another Scheme our Legislators fell upon, to make their option law go down & to gloss over the injury intended by it to our establishment, was to tack our Salaries to placemen's fees, for if your Lordship pleases to observe, they do not strike at us directly & separately, but covertly, & in conjunction with Secretaries, Clerks, Sheriffs & other Tobacco Creditors. 'Tis very true, May it please your Lordship, that all Tobacco Creditors are sufferers by this law, but none so much as the Clergy; as our all depends upon it & the retrospect of the Law affects us much more, than it does any other Tobacco Creditors. But the most material thing in our favor is, that our Salaries have had the Royal assent and therefore cannot be taken from us or diminished in any respect, by any Law made here without trampling upon the Royal Prerogative, & surely there is a vast difference between the estab-

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lished clergy's livings, secured to us by Royal Sanction, & placemen's fees, which never had that Sanction, but are temporary & variable & discretionary in the legislature according to the exigence of the Country. In the last place, the law is colored over with charity & compassion to the poor. If this was really the design of the law, we beg leave to answer your Lordship that none are more ready & willing to promote charitable designs, than the Clergy are here according to our abilities. But if the more obvious designs of the Law should appear to be a saving & self-interest to the rich & great, we hope the law will be stript of this disguise & view'd in its proper Colors, & that this is really the Case, will we doubt not appear to your Lordship when you are pleased to consider that all our public dues are paid in Tobacco at a certain proportion for every titheable (taxable), person (taxable persons are all white males above 16 years of age & all negroes both male and female of that age). Now it is manifest, that the rich man who pays for instance for 100 tithables (& some have several Hundreds), must save 100 times as much by the law as the Poor man who has but one tithable & many none at all. There is no Charity therefore in the law, unless it be that Charity which of all others may most truly & properly be said to begin at home, at the Legislator's own home. Had the Law had a respect to the poor & them only, the Clergy would have cheerfully acquiesced in it, but we think it hard that the whole Burden should be laid upon us; nay, that near half a Salary should be taken from us by law & distributed among the rich & the great (which is really the case here), & not among the Poor. These are the plausible reasons given for passing this act & we must submit to your Lordship whether or not they will justify our Legislature in what they have done. As in our humble opinion the rights of the King & Church are struck at, we the established Clergy who think ourselves intrusted with the Patrimony of the Church reckon it our indispensable duty to acquaint your Lordship with this encroachment & all we desire is to have the free use & disposal of our properties & to hold our livings (small as they are), Independent of those who have hitherto shewn us good will. If it should after all be objected to the justness of our complaint, that other Tobacco creditors are sufferers as well as we, & yet they acquiesce under the law complained of; we answ^r that the reason why they do not complain is, because their fees are entirely discretionary in the Legislature, who would surely have docked them had they not acquiesced. The Salaries we ought to receive next June, pursuant to a former Law were due before the law we now complain of was made, & were we to receive them in due course we believe upon the best computation, we should not receive the 10th part of the Tobacco made this year even where the Crops are smallest, nor the 20th part take the Crops upon an average all over the Country; & in other years one with another, not the 50th part of what is commonly made. Our being deprived of the benefit of this rising market, will still keep us in debt in & so in a dependant State, a thing much aimed at by the great men of this Country & not only so, but it will sink our Credit with our Mother Country, by putting it out of our power to ship home our Tobacco, towards discharging our debts already contracted in Great Britain, & for importing from thence many necessary of life, which consequently we must buy here at a high advance, at least double the first cost. There is no doubt but those leading gentlemen of the Legislature, who were principally concerned in passing this act, will or have already sent home some justification of their conduct, & may Possibly represent both it & us in a light neither deserves. If it should be so, as we are a poor helpless set of men, we have nothing to rely upon but the justice of our cause & your Lordship's favor & protection, which we implore only upon condition, that it shall appear to your Lordship that we are ill used & have reason to complain; which surely is the case, so long as we are both subjected to such laws as make property precarious & while the legislature assume a power to take from us by one Law what they gave us by another as is notoriously our case & which your Lordship may be satisfied of, by comparing the Clergy Law of 1748 which then had the Sanction of
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the Royal assent, with this option Law of 1755 which we hope never will obtain that Sanction. 'Tis with great concern that we are obliged to take this opportunity to acquaint your Lordship that the established Church & Clergy are upon a very precarious footing in this Colony, but tho' often ill used yet they have never been totally deserted by every branch of the legislature till now. And since in this our unhappy situation at present we have the more need of a friend at court & we humbly think, that we cannot apply so properly to any friend as to your Lordship our worthy Diocesan & as we have already experienced your Lordship's goodness in supporting our cause, when we were attacked in our title, by one great man, in the case of the late M^r Kay, we flatter ourselves that we shall have the continuance of your favor & protection, when we are now struck at in our properties by the whole legislative body of this Dominion; who, we must say it, have distinguished themselves in their mal-treatment of the Clergy. For Virginia & Maryland, are the only 2 Gov^s where Tobacco is the staple & where the Clergy are paid in that commodity, & tho' there are as short crops made there as here & tho' the Maryland Clergy receive yearly, near twice as much Tobacco as we do in Virginia, yet there there is no Option Law in that Gov^t nor any attempt made to Subvert their Establishment. As we are the most numerous Clergy of any one of his Majesty's Colonies & have done Nothing to forfeit the protection of the legislature, 'tis very hard that we should be singled out & made the only sufferers. Were we not apprehensive that we have already trespassed upon our Lordship's patience we could set forth sundry other pernicious consequences of this Law, particularly how prejudicial to religion & the propagation of the Gospel in this part of the world, such treatment of the Clergy must be; for surely it cannot but discourage us in the discharge of our Ministerial duty & in a great measure defeat our power of doing good among our people who are but too apt to follow the example of their superiors in treating the Clergy with scorn & contempt. It must also have a threatening aspect upon all useful seminaries of Learning particularly the College of Will^m & Mary in this Colony, founded by Royal Charter, in which Seminary our youth are educated in several useful branches of learning & some trained up for the ministry. For in our opinion no man will give his Son a liberal education or bring him up for the Ministry under such discouraging circumstances, & no Clergyman of worth & learning will ever come from Britain to settle here, where he will be so far from meeting with due protection, that he runs the risk of being denied the rights & privileges of a free born subject. We also humbly conceive that the making such a law especially at this time, is highly impolitic in a Church of Engl^d Legislature. For of late, Dissenters of several denominations have settled here and are gaining ground among us, who make it their business not only to divide our Church & seduce the unwary from our communion, but miss no opportunity of raising their own reputation upon the ruin of that of the established clergy. Here then is the best opportunity for them to exult & triumph. And now to conclude this long Epistle, we beg leave to assure your Lordship, that the whole body of the Clergy of this dominion, unanimously lay to heart the grievances we complain of & the reason why so few names are subscribed to this, is chiefly owing to the great distance between our respective habitations & because your Lordship's Commissary judged it unadvisable to call a convention of the Clergy; but withal assured us that he would heartily espouse our cause & Second our addresses to your Lordship, & as he thinks that private representations will better anst^r our purpose, we have no other method left but to form ourselves into small Brotherhoods & in this way to sue for redress. So throwing ourselves & our cause on your Lordship's favor & protection & in hopes that your Lordship will use your interest with his Majesty & the Ministry that the evils we complain of may be redress'd & such relief afforded to your Lordship's suffering Clergy as his Majesty in his great wisdom & goodness shall think fit, we beg leave to subscribe ourselves,

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May it please your Lordship,

Your Lordship's most dutiful & obd^t Sons & Servants,

JN^o BRUNSKILL, Sen,^r in the 40th year of my Ministry.

HEN^r DUNBAR, in the 30th year of my Ministry.

PATRICK HENRY, in the 24th year of my Ministry.

ALEX. WHITE, in the 11th year of my Ministry.

JN^o ROBERTSON, in the 11th year of my Ministry.

ALEX. FINNIE, in the 31st year of my Ministry in the Country.

THO^s WILKINSON, in the 3rd year of my Ministry.

PETER DAVID, in the 5th year of my Ministry.

JN^o BARCLAY,

W^m WILLIE, in the 18th year of my Ministry.

In 1758 it was again apparent to the Affembly that a fhort crop of tobacco would be produced, and an act fimilar to the act of 1755 was immediately paffed. This act on upon the part of the Affembly renewed with much bitternefs, the feeling of diffatiffaction upon the part of the Clergy of the Colony, and was the direct caufe of uniting them in oppofition to the wifhes of the people:

AN ACT TO ENABLE THE INHABITANTS OF THIS COLONY TO DISCHARGE THEIR PUBLIC DUES, OFFICERS FEES, AND OTHER TOBACCO DEBTS, IN MONEY, FOR THE ENSUING YEAR.

I. It being evident, from the prodigious diminution of our ftaple commodity occafioned by the unfeafonablenefs of the weather in moft parts of the colony, that there will not be tobacco made to anfwer the common demands of the country; and it being certainly expedient at all fuch time to prevent, as much as poffible, the diftreffes that muft inevitably attend fuch a fcarcity: *Be it therefore enacted, by the Lieutenant Governor, Council and Burgeffes, of this prefent General Affembly, and it is hereby enacted, by the authority of the fame,* That it fhall and may be lawful to and for any perfon or perfons, from whom any tobacco is due by judgment, for rent, by bond, or upon any contract, or for public, county, or parifh levies; or for any fecretary's, clerks, fheriffs, furveyors, or other officers fees, or by any other ways or means whatfoever, to pay and fatisfy the fame either in tobacco, according to the directions of the act of affemlby, intituled, *An Act for amending the ftaple of tobacco, and preventing frauds in his majefty's customs,* or in money, at the rate of fixteen fhilling and eight pence for every hundred pounds of nett tobacco, and fo in proportion for a greater or leffer quantity, at the option of the payer; and the fheriffs and other collectors fhall, and they are hereby required to receive the fame from any perfon or perfons in difcharge of any fuch levies and officers fees; and the fheriffs or other collectors of the levies and fees aforefaid, fhall account with, and pay to the perfons entitled to the fame, in proportion to their feveral demands, all tobacco and money which they fhall receive in payments of fuch levies and fees, which fhall difcharge fuch fheriffs and collectors from any other demands for fuch levies and fees, any law to the contrary thereof notwithstanding.

II. *Provided always,* That nothing herein contained fhall extend, or be conftrued to extend, to any public, county, or parifh levies, or officers fees now due, or hereafter to become due, in any county by law the inhabitants of fuch county are now impowered to difcharge the fame in money.

III. *Provided alfo,* That nothing herein contained fhall extend to any contract made for tobacco before the paffing of this act, where the money or goods given for fuch tobacco have been *bona fide* paid at a greater rate than fixteen fhillings and eight pence per hundred, as aforefaid, but that all fuch contracts

tracts shall be discharged in tobacco according to the terms of such contracts, or in money according to the price really given for such tobacco, together with the lawful interest arising on the same to the time of paying the same, at the option of the person or persons from whom the tobacco would have been due, had this act never been passed.

IV. *And be it further enacted*, That this act shall continue and be in force for one year, and no longer.

As neither this act or the act of 1755, had the clause suspending its operation until royal sanction was secured, they at once became operative, which resulted in the Assembly being assailed by the Rev. *John Camm* and other clergy of the *Virginia* Diocese. On this question the clergy were divided, many of them declaring that they preferred to share the misfortunes of the Colony, rather than reap the additional revenues resulting to them under the act stipulating that their salary should be paid at the rate of sixteen thousand pounds of tobacco annually.

In 1759 it was found necessary to pass a law¹ explaining the act of 1758. This act determined that nothing contained in the act referred to should be construed as applying to any sheriff or other collectors of levies and office fees, who had received such levies and fees and had not paid them into the public treasury.

As the result of the various acts on this subject and the great discontent of the clergy, who claimed that their rights had been placed in jeopardy, various suits followed. None, however, attracted such interest as did the suit of the Rev. *James Maury* of the Parish of *Fredericksville*, in *Louisa* County. On April 1st 1762, this gentleman brought suit in the name of the vestry of his Parish, against *Thomas Johnson* and *Tarlton Brown*, collectors of the parish levies and the sureties on their official bond. The legal talent in this famous case consisted of *Peter Lyons*, a strong and able lawyer, who later became President of the *Virginia* Court of Appeals and *Patrick Henry*, the original defender of Colonial rights and author of the resolutions against the Stamp Act. The defendants were first represented by *John Lewis*, a counsel of considerable standing, who relied entirely upon the act of September 14th 1758, to sustain the cause of his clients. The plaintiff demurring to this plea upon the ground of being insufficient, the question of the validity of the act was at once raised. On November 5th 1763, the demurrer was argued and sustained, the court declaring the act to be null and void. This decision left nothing to be ascertained by the jury but the amount of the damages, which consisted of the differences between the money actually paid the Rev. *James Maury* and the value of the tobacco to which he was entitled. This turn of affairs assumed a very favorable aspect for the clergy, who fully expected that the jury would give them the amount of damages claimed.

At this juncture *Patrick Henry's* services were secured by the defendants and the case set for trial for the *December* term of court, which began on the first day of that month. At this trial the sheriff selected a jury that was not satisfactory to the plaintiff, there being only two members of it in the class known as gentlemen. *Henry*, however, insisted that they were honest men, and, therefore, unexceptionable. This point being upheld by the court the following jurors were sworn and served: *Benjamin Anderson*, *John Wingfield*, *George Dabney*, *John Thornton*, *Samuel Morris*, *Brewster Sims*, *William Claybrook*, *Stephen Willis*, *Jacob Hundly*, *Roger Shackelford*, *John Blackwell*, and *Benjamin Oliver*.

The plaintiffs counsel after introducing other testimony, offered in evidence the bonds of the defendants, as collectors, and the order of the vestry directing a levy to be made for the salary of Mr *Maury*, in 1759. Believing this to be all the evidence that was necessary for them to produce the plaintiffs rested their case. The only evidence introduced by the defendants was Mr *Maury's* receipt for £144, the same being the receipt for the tobacco due him as commuted by the act of the Assembly.

The line of argument taken in this celebrated case has been preserved in part by *William Wirt Henry*, in his "*Life of Patrick Henry*," [Vol .I, p. 36] and in a letter from

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the Rev. *John Maury*, plaintiff in the case, to the Rev. *John Camm*, printed in "*Memoirs of a Huguenot Family*" by *Fontaine*.

It having been determined that the act was null and void, it only remained for the jury to settle the amount of damages to be received by the plaintiff. The court had upheld that the jury must return a verdict in favor of the plaintiff, but they need not find more than one farthing damages. After considering the matter for five minutes, the jury returned a verdict in favor of the plaintiff for one penny, and as the court refused to consider a motion for a new trial, one of the greatest cases of Colonial times ended.

As early as 1755 the differences between the Assembly and the Clergy in the case just narrated became a subject of general discussion. Numerous pamphlets were also written upon the subject, the first being the work of *Landon Carter* of *Sabine Hall*, an ardent advocate of the people's rights and a close student of economy. This pamphlet, which was printed in 1759, did not appear under *Carter's* name, he using the pseudonym, "*A Member of the Church of England*:"

CARTER, LANDON.

A | Letter¹ | to the | Right Reverend Father in God | The Lord B[isho]p of
L[ondo]n. | Occasioned by a Letter of his Lordship's to the L[or]ds | of Trade, on
the Subject of the Act of Assembly, passed | in the Year 1758, intituled, An Act to
enable the | Inhabitants of this Colony to discharge their pub | lick Dues, &c.
in Money for the ensuing Year, | from Virginia. | [1759.]

Title page. Corrections, pp. 1-2; Text, pp. 3-56; 21.5 x 14 cm.

Carter in this publication strongly upholds the Assembly in creating the Acts of 1755 and 1758, and argues that the clergy of *Virginia* fancied themselves aggrieved. He likewise comments freely upon the Remonstrance of the clergy, and calls the Bishop of *London* to account for his views expressed in his letter to the Board of Trade under date of June 14th 1759.

The next important publication bearing on this subject was written by *Richard Bland* in 1760, under the following title:

BLAND, RICHARD

A | Letter² | to the | Clergy of Virginia, | in which. | The Conduct of the
General-Assembly is vindicated, | Against | The Reflexions contained in a Letter
to the Lords | of Trade and Plantations, from the Lord-Bishop | of London, | By
Richard Bland, Esq; one of the Representatives in | Assembly for the County of
Prince-George. | . . | *Williamsburg*: | Printed by *William Hunter*. | MDCCLX. |

Title page. "Copy of a Letter from the Lord-Bishop of *London*, to the
Lords of Trade and Plantations," (dated *Fulham*, June 14, 1759.) pp. iii-vi
Text, pp. 3-20. *Bland's* letter is dated at the end, "*Jordan's*, March 20, 1760."
19 x 12 cm.

In this publication *Bland* replied, as did *Landon Carter*, to the following letter written by the Bishop of *London* to the Lords of Trade and Plantations. This communication which occasioned such determined opposition upon the part of the Colony to the views of the clergy, was written at *Fulham*, June 14th 1759:

Fulham,³ June 14th 1759

My Lords,

I have considered the Act from Virginia, referred to me: It seems to be the Work of Men conscious to themselves that they were doing wrong: for, though it is very well known that the Intention of the Act is to abridge the Maintenance of the Clergy, yet the Framers of the Act have studiously avoided naming them, or properly describing them, throughout the Act; so that it may be doubted whether, in a legal Construction, they are included or not. But, to take the Act as they meant it, and as every Body understands it, we must first consider by what Authority the Assembly acted, in passing such a Law; and, in the next Place, how inconsistent the Provision of the Act was with Justice and Equity: The Subject-Matter of the Act, as far as the Clergy are concerned, was settled before by the Act of Assembly; which Act has the

Royal

¹ Virginia State Library. Boston Athenaeum. ² Boston Athenaeum.

³ Perry: Historical Collections, Vol. I, p. 461

Royal Assent and Confirmation, and could not be repealed by a lesser Power than made it; and, to make an Act to suspend the Operation of the Royal Act, is an Attempt which in some Times would have been called Treason, and I do not know any other Name for it in our Law.

If they had brought in an Act of Repeal, to take Place from the Time they could obtain the King's Assent to the said Act of Repeal, they would have been blameless; but, to assume a Power to bind the King's Hands, and to say how far his Power shall go, and where it shall stop, is such an Act of Supremacy as is inconsistent with the Dignity of the Church of England, and manifestly tends to draw the People of the Plantations from their Allegiance to the King, when they find they have a higher Power to protect them: Whether or not such an Effect be produced, I know not; but, surely it is Time to look about us, and to consider the several Steps lately taken to the Diminution of the Prerogative and Influence of the Crown; lately taken, I say: Because, within a few Years past, Virginia was a well-ordered and well-regulated Colony, and lived in Submission to the Power set over them; they were all Members of the Church of England, and no Dissenters amongst them; the Clergy respected, and well used by the People; but these Days are over, and they seem now to have nothing more at Heart than to lessen the Influence of the Crown and the Maintenance of the Clergy, both which ends will be effectually served by the Act now under our Consideration.

It was not till the Year 1748 that this Spirit began to show itself, at which Time an Act of Assembly passed, by which the Patronage of all the Livings in the Colony were taken from the Crown, and given the Vestry in the several Parishes; and yet this Act received the Royal Assent, upon what Inducements, I know not: But it was observable, that the Assembly did not care to attack the Rights of the Crown, and that of the Clergy, at the same Time; and therefore, in the same Act of 1748, there is the strongest Confirmation of the Clergy's Right to their full Proportion of Tobacco, without any Diminution whatsoever, which Provision was meant to silence the Complaints of the Clergy against the other Part of the Act; and Reason they had to Complain, when, instead of the Royal Authority, they were put under the Power of the Vestry and made subject to the Humours of the People.

That no Good was finally intended the Clergy, is manifest from hence, that no sooner were they in Possession of the Patronages, but they wanted also to be absolute Masters of the Maintenance of the Clergy; in which Attempt, they proceeded warily, and endeavoured to bring in the Scheme by Degrees; and accordingly, in the Year 1755, the Clergy in the Counties of Princess Anne and Norfolk were deprived of their Tobacco, and forced to accept of a Compensation in Money, very much to their Loss.

The same Year produced a general Act, but a temporary one, and was followed by a very extraordinary Resolution of the Council; the Case was this: The Assembly had passed the Act; when it came to the Governor for his Assent, he boggled at it; and, for his own Security, thought proper to advise with the Council, that is, with the very Persons who had been the Promoters of it; he tells them, he apprehended it interfered with the Law confirmed by his Majesty in regard to the Allowance provided for the Clergy.

Here the Case is fully stated: It is admitted, that the Maintenance of the Clergy had the King's Confirmation; and that the Governor, by his Instructions, is restrained from altering it; but it seems the Act confirmed by his Majesty, appointed 16,000 Pounds of Tobacco to each Clergyman. The Act upon which this Advice was asked took no Notice of the Quantity of Tobacco allowed to the Clergy, but made it subject to a Compensation in Money, which was to be rated by the very Persons who were liable to the Payment of the whole: Upon this Circumstance the Council gave their Judgment, and declared it was the Opinion of the Board, that this Bill was not contradictory to that Law, inasmuch as it by no Means lessened the Quantity of Tobacco allowed the Clergy, but only ascertained the Price thereof to be paid

paid in Money for all Dues, as well to Officers as to the Clergy.

This Declaration is a formal Judgment in the Case, stated between the Authority of the Crown and the Power of the Assembly, and subjected the Laws established by the Royal Assent to be altered corrected or suspended, by a Vote of the Assembly.

The Lieutenant-Governour wanted something of an Excuse for what he was strongly inclined to do, and a very sad one they furnished him with. What made him so zealous in the Cause, I pretend not to judge; but surely the great Change which manifestly appears in the Tempers and Disposition of the People in that Colony, in the Compass of a few Years, deserves highly to be considered; and the more so, as the Deputy-Governour and Council seem to act in Concert with the People, to lend their Authority to support their unreasonable Demands: But one would think, upon Consideration of some late Transactions there, that the Deputy-Governours thought themselves obliged, upon their first Entrance, to make a Present to the Vestries of the Maintenance of the Clergy, the Jurisdiction of the Prerogative and the Supremacy and Rights of the Crown.

As to the Want of Justice and Equity shewed in the Act to the Clergy, the Case is too plain to admit of any Reflexion upon it: If the Crown does not or cannot support itself in so plain a Case, as is before us, it would be in vain for the Clergy to plead the Act confirmed by the King; for their Rights must stand, or fall, with the Authority of the Crown.

I am, my Lords,

Your most obedient humble Servant,

T. LONDON.

The next publication bearing on the question at issue between the Clergy and the Assembly, was a pamphlet by the Rev. John Camm, printed at Annapolis, Md., in 1763. So far as is known not a copy of this publication is extant, though Sabin records it in his "*Bibliotheca Americana*" Vol. 3, p. 254. In this publication Camm endeavoured to comment directly upon the act in question and sarcastically refers to its "beneficial and wholesome effect in York-Hampton Parish." He likewise replies, as the title indicates, to the justice and charity exhibited by Landon Carter, in, "*A Letter to the Right Reverend Father in God, The Lord Bishop of London*." . . . and to Bland's "*A Letter to the Clergy of Virginia*," . . . pamphlets already referred to as bearing on this subject:

CAMM,¹ REV. JOHN

A Single and Distinct View of the Act, Vulgarly entitled, Three-Penny Act; Containing an Account of its beneficial and wholesome effect in York-Hampton Parish. In which is exhibited A Specimen of Col. Landon Carter's Justice and Charity; as well as of Col. Richard Bland's *Salus Populi*. By the Reverend John Camm. . . . Annapolis, Printed by Jonas Green, for the Author. 1763.

4to. 55 pp.

The next contribution to the literature on this subject was published in 1764, by Landon Carter, under the title of the "*Rector Detected*" . . . In this pamphlet Carter undertakes to justify the Two Penny Act, and boldly states that the Rev. John Camm misrepresented facts relative to the question at issue:

CARTER,² LANDON

The | Rector Detected: | Being a | Just Defence of the Two-penny Act, | Against the artful Misrepresentations of the | Reverend John Camm, | Rector of York-Hampton, | in his | Single and Distinct View. | Containing also a plain Confutation of his several | Hints, as a Specimen of the Justice and Charity | of Colonel Landon Carter. | By Landon Carter, of Sabine Hall. | . . . Williamsburg: | Printed by Joseph Royle. MDCCLXIV. |

Title page. Introduction, pp. 3-4. Text, pp. 5-39. Errata, [1] p. 17.5

x 15 cm.

The Rev. John Camm reviewed the "*Rector Detected*" shortly after it appeared in print, his pamphlet being the last publication of note bearing on the question.

Coming

¹ No copy found. ² Boston Athenaeum

Coming at a time when the issues between the clergy and the people had been settled, the pamphlet attracted little, if any, attention. Associated with the foregoing pamphlets, however, considerable light is thrown upon the cause of the clergy, and as such constitute a distinct class of literature which clearly denotes, not only the existence of an issue, but a very marked exhibition of personal opinion and displeasure:

CAMM,¹ JOHN

A | Review | of | The Rector Detected: | or the | Colonel | Reconnoitered. |
Part of the Firſt. | . . | Williamsburg: | Printed by Joseph Royle, MDCCLXIV. |
Title page. Text, pp. 3-29 19 x 15.5 cm.

The arguments the clergy set forth to maintain their position created intense feeling throughout the Colony, and was a prime factor in bringing about the separation of the Church and State. The influence exercised by the clergy prior to their attempt to dictate to the Assembly was very marked. Their cause, however, was put to a very severe test at this time, and the defeat administered them by the various juries to which their causes were submitted, was a blow from which they never fully recovered.

The Rev. John Maury in reciting to the Rev. John Camm the incidents of the trial of this cause, gives a very entertaining account of this case, and so far as is known it is the most prominent expression of Mr Maury on the subject:

December² 12th, 1763.

To the Rev. John Camm.

Dear Sir:—

Now that I am somewhat at leisure, than when I wrote to you by Major Winton, from Hanover, some few days ago, I have sat down to give you the best account I can of the most material passages in the trial of my cause against the Collocutors in that Court, both to satisfy your own curiosity, and to enable the lawyer, by whom it is to be managed in the General Court, to form some judgment of its merits. I believe, sir, you were advised from Nov'r Court, that the Bench had adjudged the twopenny act to be no law; and that, at the next, a jury, on a writ of inquiry, were to examine whether the Plaintiff had sustained any damages, and what. Accordingly, at December Court, a select jury was ordered to be summoned; but, how far they who gave the order, wished or intended it to be regarded, you may judge from the sequel. The Sheriff went into a public room, full of gentlemen, and told his errand. One excused himself (Peter Robinson of King William) as having already given his opinion in a similar case. On this, as a person then present told me, he immediately left the room, without summoning any one person there. He afterwards met another gentleman (Richard Sq. Taylor) on the green, and, on his saying he was not fit to serve, being a churchwarden, he took upon himself to excuse him, too, and, as far as I can learn, made no further attempts to summon gentlemen. These, You'll say, were but feeble endeavors to comply with the directions of the Court in that particular. Hence, he went among the vulgar herd. After he had selected and set down upon his list about eight or ten of these, I met him with it in his hand, and on looking over it, observed to him that they were not such jurors as the Court had directed him to get, being people of whom I had never heard before, except one, whom, I told him, he knew to be a party in the cause, as one of the Collector's Securities, and, therefore, not fit for a juror on that occasion. Yet this man's name was not erased. He was even called in Court, and, had he not excused himself, would probably have been admitted. For, I cannot recollect, that the Court expressed either surprise or dislike that a more proper jury had not been summoned. Nay, though I objected against them, yet, as Patrick Henry (one of the Defendant's lawyers) insisted they were honest men, and, therefore, unexceptionable, they were immediately called to the book and sworn. Three of them, as I was afterwards told, nay, some said four, were Dissenters of that denomination called New Lights, which the Sheriff, as they were all his acquaintance, must have known. Messrs. Gift and McDowall, the two most considerable purchas-

ers

¹ Boston Athenaeum. Lenox Library. ² Fontaine--Memoirs of a Huguenot Family.

ers in that county, were now called in to prove the price of tobacco, and sworn. The testimony of the former imported, that, during the months of May and June, 1759, tobacco had currently sold at 50 s. per hundred, and that himself, at or about the latter end of the last of those months, had sold some hundreds of hhds. at that price, and, amongst the rest, one hundred to be delivered in the month of August, which, however, were not delivered till September. That of the latter only proved, "That 50 s. was the current price to tobacco that season." This was the sum of the evidence for the Plaintiff. Against him, was produced a receipt to the Collector, to the best of my remembrance in these words: "Received of Thomas Johnson, Jun'r, at this and some former payments, £144, current money, by James Maury." After the lawyers on both sides had displayed the force and weight of the evidence, pro and con to their Honors, the jurors, and one of those who appeared for the Defendants had observed to them that they must find, (or if they must find, I am not sure which, but think the former) for the Plaintiff, but need not find more than one farthing; they went out, and, according to instruction (though whether according to evidence or not, I leave you to judge), in less than five minutes brought in a verdict for the Plaintiff, one penny damages. Mr Lyons urged, as the verdict was contrary to evidence, the jury ought to be sent out again. But no notice was taken of it, and the verdict admitted without hesitation by the Bench. He then moved to have the evidence of Messrs. Gift and McDowell recorded, with as little effect. His next motion, which was for a new trial, shared the same fate. He then moved it might be admitted to record, "that he had made a motion for a new trial, because he considered the verdict contrary to evidence, and that the motion had been rejected;" which, after much altercation, was agreed to. He lastly moved for an appeal, which, too, was granted. This, sir, as well as I can remember, is a just and impartial narrative of the most material occurrences in the trial of that cause. One occurrence more, tho' not essential to the cause, I can't help mentioning, as a striking instance of the loyalty, impartiality and attachment of the Bench to the Church of England in particular, and to religion at large. Mr Henry, mentioned above (who had been called in by the Defendants, as we suspected, to do what I some time ago told you of), after Mr Lyons had opened the cause, rose and harrangued the jury for near an hour. This harangue turned upon points as much out of his own depths, and that of the jury, as they were foreign from the purpose; which it would be impertinent to mention here. However, after he had discussed those points, he labored to prove "that the act of 1758 had every characteristic of a good law; that it was a law of general utility, and could not, consistently with what he called the original compact between King and people, stipulating protection on the one hand and obedience on the other be annulled." Hence, he inferred, "that a King, by disallowing Acts of this salutary nature, from being the father of his people, degenerated into a Tyrant and forfeits all right to his subjects' obedience." He further urged, "that the only use of an Established Church and Clergy in society, is to enforce obedience to civil sanctions, and that the observance of those which are called duties of imperfect obligation; that, when a Clergy ceases to answer these ends, the community have no further need of their ministry, and may justly strip them of their appointments; that the Clergy of Virginia, in this particular instance of their refusing to acquiesce in the law in question, had been so far from answering, that they had most notoriously counteracted, those great ends of their institution; that, therefore, instead of useful members of the state, they ought to be considered as enemies of the community; and that, in the case now before them, Mr Maury, instead of countenance, and protection and damages, very justly deserved to be punished with signal severity." And then he perorates to the following purpose, "that excepting they (the jury) were disposed to rivet the chains of bondage on their own necks, he hoped they would not let slip the opportunity which now offered, of making such an example of him as might, hereafter, be a warning to himself and his brethren, not to have the temerity, for the future, to dispute the validity of such laws, authenticated by the only authority,

which

which, in his conception, could give force to laws for the government of this Colony, the authority of a legal representative of a Council, and of a kind and benevolent and patriot Governor." You'll observe I do not pretend to remember his words, but take this to have been the sum and substance of this of his labored oration. When he came to that part of it where he undertook to assert, "that a King, by annulling or disallowing acts of so salutary a nature, from being the Father of his people degenerated into a Tyrant, and forfeits all right to his subjects' obedience;" the more sober part of the audience were struck with horror. M Lyons' called out aloud, and with an honest warmth, to the Bench, "That the gentleman had spoken treason," and expressed his astonishment "that their worship could hear it without emotion, or any mark of dissatisfaction." At the same instant, too, amongst some gentlemen in the crowd behind me, was a confused murmur of Treason, Treason! Yet Mr Henry went on in the same treasonable and licentious strain, without interruption from the Bench, nay, even without receiving the least exterior notice of their disapprobation. One of the jury, too, was so highly pleased with these doctrines, that, as I was afterwards told, he every now and then gave the traitorous declaimer a nod of approbation. After the Court was adjourned, he apologized to me for what he had said, alleging that his sole view in engaging in the cause, and in saying what he had, was to render himself popular. You see, then, it is so clear a point in this person's opinion, that the ready road to popularity here, is, to trample under foot the interests of religion, the rights of the church, and the prerogative of the crown. If this be not pleading for the "assumption of a power to bind the King's hands," if it be asserting "such supremacy in provincial Legislatures" as is inconsistent with the dignity of the Church of England, and manifestly tends to draw the people of these plantations from their allegiance to the King, tell me, my dear sir, what is so, if you can. Mr Cootes, merchant on James River, after Court, said "he would have given a considerable sum out of his own pocket, rather than his friend Patrick should have been guilty of a crime, but little, if any thing inferior to that which brought Simon Lord Lovatt to the block;" and justly observed that he exceeded the most seditious and inflammatory harangues of the Tribunes of old Rome.

My warmest wishes and prayers ever attend you. And besides these there is little else in the power of, my dear Camm,

Your affectionate,

J. MAURY

The verdict of the Jury in this Case, settled the question for once and for all, as little effort was made thereafter by the clergy to secure the rights accorded them under the Act of 1698. They did appeal to the Governor upon the ground of oppression, and while he consented to grant the appeal the matter was never brought prominently before the people again. This case, which attained such prominence, likewise awarded to *Patrick Henry*, the position of the leading counsel in the Colony, which is attested by the fact of the existence of his fee books now deposited at *Red Hill*, in *Charlotte County*, where this great lawyer and orator is buried. These books show beyond a doubt that Mr *Henry* had a large practice prior to 1763, but after figuring so prominently in the "Parson's Cause," his labors increased to such an extent that he was compelled to decline to be associated with many cases which he would, under other circumstances have become identified.

Following the treaty of *Paris*, in 1763, great joy was manifest throughout the Colonies. By this treaty the possessions of *Great Britain* had increased to such an extent as to advance her to the highest place among the nations of the earth. In no part of the *British* possessions was joy more genuine than in *America*, as in the language of *James Otis*, "We in *America* have abundant reason to rejoice. The heathen are driven out and the *Canadians* conquered. *British* dominion now extends from sea to sea and from the great rivers to the end of the earth; liberty and knowledge, civil and religious, will co-

extend

extend, improve and preserve, to the latest posterity. What God in his providence has united let no man dare to pull asunder."

Bright as the future seemed to be for *America* at this time, the Colonies were destined to a restriction of the liberty extended to them by the various charters under which they were created. The vast expenses attending the Colonial wars, determined *Great Britain* to renew the tax on sugar and molasses imported into the Colonies. The rigid enforcement of the Navigation Acts was also decided upon and all officers, civil and military, received instructions to put an end to illicit traffic and to submit all questions of this kind to the Courts of Admiralty rather than to the *American* juries. In order to stimulate action, officers making seizures were given emoluments in cases of forfeiture, which at once assumed the form of an oppression in the highest degree, as there was no appeal save that granted by the Privy Council in *England*. The decision of the Courts of Admiralty were, to all intents and purposes final, as the costs attending such an action made it impossible to carry a case to the higher court. Information was also conveyed to the Colonies by their Agents, that an attempt had been made to alter the Colonial charters so as to destroy the influence of the various assemblies. It was also the intent of the Crown to create a standing army to be stationed in *America*, and to impose a tax on the Colonies to support it. Such was the outlook at the close of 1763, and the general feeling pervaded the Colonies that almost anything detrimental to their interests could be expected.

George Grenville, who had succeeded to the ministry, realizing that nothing could be accomplished by changing the charters of the respective Colonies, informed all Colonial agents that this plan would be abandoned. He was fully determined, however, to impose a stamp tax, unless the Colonies could suggest an equally efficient method of taxation. No action of this kind being possible in *America* in so short a time, it was determined to pass a set of declaratory resolves, which were adopted on *March 9th, 1764*. These Resolutions were agreed to on the *17th* of the same month, and heartily approved by the King, who maintained that the regulations which had been established were wise, and that it was right and proper to augment the public revenues, and to "unite the interests of the most distant possessions of the Crown, and to encourage and secure their commerce with *Great Britain*."

These resolves greatly aroused *America* and public meetings were held in every Colony. The opponents of the tax were called "Whigs" and "Patriots," while those in favor of it were termed "Loyalists," "Tories" and "Friends of Government." Protests from nearly all the Colonies against the proposed tax were forwarded to *Great Britain*, and in reply, the ministry declared that they had only asked the Colonies to indicate an acceptable tax, and did not desire them to submit reasons why they should not defray a part of the expenses of the Home Government. The Colonies were also advised that the tax had been determined upon, and that the various protests had *had* the effect of promoting legislation of this kind.

Opposition being determined upon in *Virginia*, an address to his Majesty, Memorials to the Lords and Commons and to the Agent of this Colony were adopted on *Tuesday* the *18th* of *December, 1764*. In these Memorials the Burgeesses maintained the loyalty of *Virginia*, but set forth that freedom could not exist where taxes were laid upon a people without their consent or by their legal representatives. It was also thought such an action would create an additional burden upon the Colony as well as being destructive to the interests of *Great Britain*.

TO THE KING'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN.

We your Majesty's dutiful and loyal Subjects, the Council and Burgeesses of your ancient Colony and Dominion of *Virginia*, now met in General Assembly, beg Leave to assure your Majesty of our firm and inviolable Attachment to your sacred Person and Government; and as your faithful Subjects here have at all

Times

Times been zealous to demonstrate this Truth, by a ready Compliance with the Royal Requisitions during the late War, by which a heavy and oppressive Debt of near Half a Million hath been incurred, so at this Time they implore Permission to approach the Throne with humble Confidence, and to intreat that your Majesty will be graciously pleased to protect your People of this Colony in the Enjoyment of their ancient and inestimable Right of being governed by such Laws respecting their internal Polity and Taxation as are derived from their own Consent, with the Approbation of their Sovereign or his Substitute: A Right which as Men, and Descendants of *Britons*, they have ever quietly possessed since first by Royal Permission and Encouragement they left the Mother Kingdom to extend its Commerce and Dominion.

Your Majesty's dutiful Subjects of *Virginia* most humbly and unanimously hope that this invaluable Birthright, descended to them from their Ancestors, and in which they have been protected by your Royal Predecessors, will not be suffered to receive an Injury under the Reign of your Sacred Majesty, already so illustriously distinguished by your gracious Attention to the Liberties of the People.

That your Majesty may long live to make Nations happy is the ardent Prayer of your faithful Subjects, the Council and Burgeesses of *Virginia*.

TO THE RIGHT HONOURABLE THE LORDS SPIRITUAL AND TEMPORAL IN PARLIAMENT ASSEMBLED:

The Memorial of the Council and Burgeesses of *Virginia*, now met in General Assembly,

Humbly represents,

That your Memorialists hope on Application to your Lordships, the fixed and hereditary Guardians of *British* Liberty, will not be thought improper at this Time, when Measures are proposed subversive, as they conceive, of that Freedom which all Men, especially those who derive their Constitution from *Britain*, have a Right to enjoy; and they flatter themselves that your Lordships will not look upon them as Objects so unworthy your Attention as to regard any Impropriety in the Form or Manner of their Application, for your Lordships Protection of their just and undoubted Rights as *Britons*.

It cannot be Presumption in your Memorialists to call themselves by this distinguished Name, since they are descended from *Britons* who left their native Country to extend its Territory and Dominion, and who happily for *Britain*, and as your Memorialists once thought for themselves too, effected this Purpose. As our Ancestors brought with them every Right and Privilege they could with Justice claim in their Mother Kingdom, their Descendants may conclude they cannot be deprived of those Rights without Injustice.

Your Memorialists conceive it to be a fundamental Principle of the *British* Constitution, without which Freedom can no Where exist, that the People are not subject to any Taxes but such as are laid on them by their own Consent, or by those who are legally appointed to represent them: Property must become too precarious for the Genius of a free People which can be taken from them at the Will of others, who cannot know what Taxes such People can bear, or the easiest Mode of raising them; and who are not under that Restraint, which is the greatest Security against a burthenfome Taxation, when the Representatives themselves must be affected by every Tax imposed on the People.

Your Memorialists are therefore led into an humble Confidence that your Lordships will not think any Reason sufficient to support such a Power in the *British* Parliament, where the Colonies cannot be represented; a Power never before constitutionally assumed, and which if they have a Right to exercise on any Occasion must necessarily establish this melancholy Truth, that the Inhabitants of the Colonies are the Slaves of *Britons*, from whom they are descended,
and

and from whom they might expect every Indulgence that the Obligations of Interest and Affection can entitle them to.

Your Memorialists have been invested with the Right of taxing their own People from the first Establishment of a regular Government in the Colony, and Requisitions have been constantly made to them by their Sovereigns on all Occasions when the Assistance of the Colony was thought necessary to preserve the *British* Interest in *America*; from whence they must conclude they cannot now be deprived of a Right they have so long enjoyed, and which they have never forfeited.

The Expenses incurred during the last War, in Compliance with the Demands on this Colony by our late and present most gracious Sovereigns, have involved us in a Debt of near Half a Million; a Debt not likely to decrease under the continued Expence we are at in providing for the Security of the People against the Incursions of our savage Neighbors, at a Time when the low state of our Staple Commodity, the total Want of Specie, and the late Restrictions upon the Trade of the Colonies, render the Circumstances of the People extremely distressful, and which, if Taxes are accumulated upon them by the *British* Parliament, will make them truly deplorable.

Your Memorialists cannot suggest to themselves any Reason why they should not still be trusted with the Property of their People, with whose Abilities, and the least burthenfome Mode of taxing (with great Deference to the superior Wisdom of Parliament) they must be best acquainted.

Your Memorialists hope they shall not be suspected of being actuated on this Occasion by any Principles but those of the purest Loyalty and Affection as they always endeavoured by their Conduct to demonstrate that they consider their Connexions with *Great Britain*, the Seat of Liberty, as their greatest Happiness.

The Duty they owe to themselves and their Posterity lays your Memorialists under the Necessity of endeavouring to establish their Constitution upon its proper Foundation; and they do most humbly pray your Lordships to take this Subject into your Consideration with the Attention that is due to the Well being of the Colonies, on which the Prosperity of *Great Britain* does in a great Measure depend.

TO THE RIGHT HONOURABLE THE KNIGHTS, CITIZENS, AND
BURGESSES OF GREAT BRITAIN, IN PARLIAMENT ASSEMBLED:

The Remonstrance of the Council and Burgeffes of Virginia.

It appearing by the printed Votes of the House of Commons of *Great Britain* in Parliament assembled that in a Committee of the whole House, the 17th Day of *March* last, it was resolved that towards defending, protecting, and securing the *British* Colonies and Plantations in *America*, it may be proper to charge certain Stamp Duties in the said Colonies and Plantations; and it being apprehended that the same Subject, which was then declined, may be resumed and further pursued in a succeeding Session, the Council and Burgeffes of *Virginia*, met in General Assembly, judge it their indispensable Duty, in a respectful Manner, but with decent Firmness, to remonstrate against such a Measure, that at least a Cession of those Rights, which in their Opinion must be infringed by that Procedure, may not be inferred from their Silence, at so important a Crisis.

They conceive it is essential to *British* Liberty that Laws imposing Taxes on the People ought not to be made without the Consent of Representatives chosen by themselves; who, at the same Time that they are acquainted with the Circumstances of their Constituents, sustain a Proportion of the Burthen laid on them. This Privilege, inherent in the Persons who discovered and settled these Regions, could not be renounced or forfeited by their Removal hither, not as
Vagabonds

Vagabonds or Fugitives, but licenſed and encouraged by their Prince and animated with a laudable Deſire of enlarging the *British* Dominion, and extending its Commerce: On the contrary, it was ſecured to them and their Deſcendants, with all other Rights and Immunities of *British* Subjects, by a Royal Charter, which hath been invariably recogniſed and confirmed by his Majeſty and his Predeceſſors in their Commiſſions to the ſeveral Governours, granting a Power, and preſcribing a Form of Legiſlation; according to which, Laws for the Adminiſtration of Juſtice, and for the Welfare and good Government of the Colony, have been hitherto enacted by the Governour, Council, and General Aſſembly, and to them Requiſitions and Applications for Supplies have been directed by the Crown. As an Inſtance of the Opinion which former Sovereigns entertained of theſe Rights and Privileges, we beg Leave to refer to three Acts of the General Aſſembly paſſed in the 32^d Year of the Reign of King *Charles II* (one of which is entitled An Act for raiſing a Publick Revenue for the better Support of the Government of his Majeſty's Colony of *Virginia*, impoſing ſeveral Duties for that Purpoſe) which they thought abſolutely neceſſary, were prepared in *England*, and ſent over by their then Governour, the Lord *Culpeper*, to be paſſed by the General Aſſembly, with a full Power to give the Royal Aſſent thereto; and which were accordingly paſſed, after ſeveral Amendments were made to them here: Thus tender was his Majeſty of the Rights of his *American* Subjects; and the Remonſtrants do not diſcern by what Diſtinction they can be deprived of that ſacred Birthright and moſt valuable Inheritance by their Fellow Subjects, nor with what Propriety they can be taxed or affected in their Eſtates by the Parliament, wherein they are not, and indeed cannot, conſtitutionally be repreſented.

And if it were proper for the Parliament to impoſe Taxes on the Colonies at all, which the Remonſtrants take Leave to think would be inconſiſtent with the fundamental Principles of the Conſtitution, the Exerciſe of that Power at this Time would be ruinous to *Virginia*, who exerted herſelf in the late War it is feared beyond her Strength, inſomuch that to redeem the Money granted for that Exigence her People are taxed for ſeveral Years to come: This, with the large Expences incurred for defending the Frontiers againſt the reſtleſs *Indians*, who have infeſted her as much ſince the Peace as before, is ſo grievous that an Increate of the Burthen will be intolerable; eſpecially as the People are very greatly diſtreſſed already from the Scarcity of circulating Caſh amongſt them, and from the little Value of their Staple at the *British* Markets.

And is it preſumed that adding to that Load which the Colony now labors under will not be more oppreſſive to her People than deſtructive of the Intereſt of *Great Britain*: For the Plantation Trade, confined as it is to the Mother Country, hath been a principal Means of multiplying and enriching her Inhabitants; and, if not too much diſcouraged, may prove an inexhauſtible Source of Treasore to the Nation. For Satisfaction in this Point, let the preſent State of the *British* Fleets and Trade be compared with what they were before the Settlement of the Colonies; and let it be conſidered that whilſt Property in Land may be acquired on very eaſy Terms, in the vaſt uncultivated Territory of *North America*, the Colonists will be moſtly, if not wholly, employed in Agriculture; whereby the Exportation of their Commodities of *Great Britain*, and the Conſumption of their Manufactures ſupplied from thence, will be daily increaſing. But this moſt deſirable Connexion between *Great Britain* and her Colonies, ſupported by ſuch a happy Intercourſe of reciprocal Benefits as is continually advancing the Proſperity of both, muſt be interrupted, if the People of the latter, reduced to extreme Poverty, ſhould be compelled to manufacture thoſe Articles they have been hitherto furniſhed with from the former.

From theſe Conſiderations, it is hoped that the Honourable Houſe of Commons will not proſecute a Meaſure which thoſe who may ſuffer under it cannot
but

but look upon as fitter for Exiles driven from their native Country after ignominiously forfeiting her Favours and Protection, than for the Prosperity of *Britons* who have at all Times been forward to demonstrate all due Reverence to the Mother Kingdom, and are so instrumental in promoting her Glory and Felicity; and that *British* Patriots will never consent to the Exercise of anti-constitutional Power, which even in this remote Corner may be dangerous in its Example to the interior Parts of the *British* Empire, and will certainly be detrimental to its Commerce.

Six days after these Memorials had been adopted, Governor *Fauquier* advised the Board of Trade of the action of the Assembly, and stated that while he had not seen the Memorials in question, he was satisfied they would not be acceptable to *Great Britain*:

W^mburg¹ Dec^r 24th 1764.

My Lords,

In my letter to your Right Hon^{ble} Board of the 16th Ult.^o I did myself the honor to transmit to your Lordships my speech at the opening of the Session, and the Addresses of the Council and Burgeffes. I have now adjourned them to the 1st day of May next. The approach of the holidays and the almost necessary presence of the Burgeffes at home to look after their own plantations, made a recess from business expedient, and a prorogation would have defeated all the progress they have made in the business before them, particularly the Tobacco Law, the consideration of which had taken them up a fortnight in the Committee of the whole House.

I am informed they have jointly ordered an address to His Majesty and a memorial to the House of Peers, with another to the House of Commons, to their Agent, to be by him promptly recommended to be presented as directed. In the resolutions of the House of Burgeffes the terms are very warm and indecent as Your Lordships will observe in their Journals; but I have been told by some Gentlemen of the Committee appointed to draw them up, that their whole study has been to endeavour to mollify them, and they have reason to hope there is nothing now in them which will give the least offence. I have not yet seen them, but when they are fairly transcribed and the dispatches made up for their Agent, I apprehend they will be communicated to me, as all other dispatches are. The Subject matter of them is praying to be permitted to tax themselves. I thought it my duty to give your Lordships the most early intelligence of this matter in my power. . . .

I am with great respect

My Lords

Your Lordships most obedient and devoted Servant

FRAN: FAUQUIER.

Without consideration of the various Memorials of the Colonies protesting against taxation, *Grenville* offered fifty-five resolutions, embracing the Stamp Act details, on *February* 6th 1765. In his address, prior to delivering the resolutions in question, he maintained that the Colonies being afforded protection by Parliament, that Parliament had the right to lay a revenue upon them; that such protection meant a standing army, and that in order to maintain this body of men it was necessary to levy taxes; that the debt of *Great Britain* amounted to one hundred and forty millions sterling, while the Colonial debt did not exceed eight hundred thousand pounds, and that the Colonies paid but seventy-five thousand pounds annually for the support of their respective governments. He likewise declared that the charters interposed no obstacle in the form of a parliamentary tax, and that the Colonies were constructively represented in Parliament. A lengthy debate in the interests of the Colonies resulted, but without avail, as the act was passed on *February* 27th, 1765. At the time of this discussion an effort was made to read the protests of the various Colonies, but this privilege was denied, and on *March* 8th following, the House of Lords, without a single dissenting voice agreed to the act in question. On *March* 22nd royal assent was secured, but it was determined that the law should not become operative until *November* 1st following:

Whereas

STAMP ACT.

Whereas, by an act made in the last session of Parliament, several duties were granted, continued, and appropriated towards defraying the expenses of defending, protecting, and securing the *British* colonies and plantations in *America*; and *whereas* it is first necessary that provision be made for raising a further revenue within your Majesty's dominions in *America*, towards defraying the said expenses; we, your Majesty's most dutiful and loyal subjects, the Commons of *Great Britain*, in Parliament assembled, have therefore resolved to give and grant unto your Majesty the several rights and duties hereinafter mentioned; and do most humbly beseech your Majesty that it may be enacted. And be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of *November*, one thousand seven hundred and sixty-five, there shall be raised, levies, collected, and paid unto his Majesty, his heirs and successors, throughout the colonies and plantations in *America*, which now are, or hereafter may be, under the dominion of his Majesty, his heirs and successors:

1. For every skin of piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed written, or printed any declaration, plea, replication, rejoinder, demurrer, or other pleading, or any copy thereof in any court of law within the *British* colonies and plantations in *America*, a stamp duty of three pence.

2. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any special bail, and appearance upon such bail in any such court, a stamp duty of two shillings.

3. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which may be engrossed, written, or printed any petition, bill, or answer, claim, plea, replication, rejoinder, demurrer, or other pleading, in any court of chancery or equity within the said colonies and plantations, a stamp act of one shilling and six pence.

4. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any copy of any petition, bill answer, claim, plea, replication, rejoinder, demurrer, or other pleading, in any such court, a stamp duty of three pence.

5. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any monition, libel, answer, allegation, inventory, renunciation, in ecclesiastical matters, in any court of probate, court of the ordinary, or other court exercising ecclesiastical jurisdiction within the said colonies and plantations, a stamp duty of one shilling.

6. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any copy of any will (other than the probate thereof), monition, libel, answer, allegation, inventory, or renunciation, in ecclesiastical matters in any such court a stamp duty of six pence.

7. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any donation, presentation, collation or institution, of or to any benefice, or any writ or instrument for the like purpose, or any register, entry, testimonial, or certificate of any degree taken in any university, academy, college, or seminary of learning, within the said colonies and plantations, a stamp duty of two pounds.

8. For every skin or piece of vellum or parchment, or sheet or piece of paper on, which shall be engrossed, written, or printed any monition, libel, claim, answer, allegation, information, letter of request, execution, renunciation,
inventory

inventory, or other pleading, in any admiralty court within the said colonies and plantations, a stamp duty of one shilling.

9. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any copy of any such monition, libel, claim, answer, allegation, information, letter of request, execution, renunciation, inventory, or other pleading shall be engrossed, written, or printed, a stamp duty of six pence.

10. For every skin or price of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed any appeal, writ of error, writ dower, *ad quo damnum*, *certiorari*, statute merchant, statute staple, attestation, or certificate, by any officer, or exemplification of any record or proceeding, in any court whatsoever, within the said colonies and plantations (except appeals, writs of error, *certiorari*, attestations, certificates, and exemplifications, for, or relating to the removal of any proceedings from before a single justice of the peace) a stamp duty of ten shillings.

11. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any writ of covenant for levying fines, writ of entry for suffering a common recovery or attachment issuing out of or returnable into any court within the said colonies and plantations, a stamp duty of five shillings.

12. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any judgment, decree, or sentence, or dismissal, or any record of *nisi prius* or *postea*, in any court within the said colonies and plantations, a stamp duty of four shillings.

13. For every skin or piece of vellum or parchment, or sheet of paper, on which shall be engrossed, written, or printed any affidavit, common bail, or appearance, interrogatory, deposition, rule, order or warrant of any court, or any *dedimus potestatem*, *capias* subpoena, summons, compulsory citation, commission, recognizance, or any other proceeding therein whatsoever, or any copy thereof, or of any record not hereinbefore charged, within the said colonies and plantations (except warrants relating to criminal matters, and proceedings thereon, or relating thereto), a stamp duty of one shilling

14. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any note or bill of lading, which shall be signed for any kind of goods wares or merchandise, to be exported from, or any cocket or clearance granted within the said colonies and plantation a stamp duty of four pence.

15. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed letters of mart or commission for private ships-of-war, within the said colonies and plantations, a stamp duty of twenty shillings.

16. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any grant, appointment, or admission of or to any public beneficial office or employment, for the space of one year, or any lesser time, of or above twenty pounds per annum sterling money, in salary, fees, and perquisites, within the said colonies and plantations except commissions and appointments of officers of the army, navy, ordnance, or militia, of judges, and of justices of the peace), a stamp duty of ten shillings.

17. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any grant, of any liberty, privilege, or franchise, under the seal or sign manual of any governor, proprietor, or public officer, alone or in conjunction with any other person or persons, or with any council, or any council and assembly, or any exemplification of the same, shall be engrossed, written, or printed within the said colonies and plantations, a stamp duty of six pounds.

18. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any license for retailing
spiruous

spirituous liquors, to be granted to any person who shall take out the same, within the said colonies and plantations, a stamp duty of twenty shillings.

19. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any license for retailing of wine, to be granted to any person who shall not take out a license for retailing of spirituous liquors, within the said colonies and plantations, a stamp duty of four pounds.

20. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any license for retailing of spirituous liquors, within the said colonies and plantations, a stamp duty of three pounds.

21. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any probate of will, letters of administration, or of guardianship for any estate above the value of twenty pounds sterling money, within the *British* colonies and plantations upon the continent of *America*, the islands belonging thereto, and the *Bermuda* and *Bahama* islands, a stamp duty of five shillings.

22. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any such probate, letters of administration or of guardianship, within all other parts of the *British* dominion in *America*, a stamp duty of ten shillings.

23. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any bond for securing the payment of any sum of money, not exceeding the sum of ten pounds sterling money, within the *British* colonies and plantations upon the continent of *America*, the islands belonging thereto, and the *Bermuda* and *Bahama* islands, a stamp duty of six pence.

24. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed any bond for securing the payment of any sum of money above ten pounds and not exceeding twenty pounds sterling money, within such colonies, plantations, and islands, a stamp duty of one shilling.

25. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any bond for securing the payment of any sum of money above twenty pounds and not exceeding forty pound sterling money, within such colonies and plantations and islands, a stamp duty of one shilling and six pence.

26. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed any order or warrant for surveying or setting out any quantities of land not exceeding 100 acres, issued by any governor, proprietor, or any public officer, alone or in conjunction with any other person or persons, or with any council, or any council or assembly,

27. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed any such order or warrant for surveying or setting out any quantity of land above 100 and not exceeding 200 acres, within the said colonies and plantations, a stamp duty of one shilling.

28. For every skin or piece of vellum or parchment, or sheet or piece of paper on which shall be engrossed, written or printed any such order or warrant for surveying or setting out any quantity of land above 200 and not exceeding 320 acres, and in proportion for every such order or warrant for surveying or setting out every other 320 acres, within the said colonies and plantations, a stamp duty of one shilling and six pence.

29. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed any original grant or any deed

deed, mefne conveyance, or other inftrument whatfoever, by which any quantity of land not exceeding 100 acres fhall be granted, conveyed, or affigned, within the *British* colonies and plantations upon the continent of *America* the iflands belonging thereto, and the *Bermuda* and *Bahama* iflands (except leafes for any term not exceeding the term of twenty-one years), a ftamp duty of one fhilling and fix pence.

30. For every fkin or piece of vellum or parchment, or fhheet or piece of paper, on which fhall be engroffed, written, or printed any fuch original grant, or any fuch deed, mefne, conveyance, or other inftrument whatfoever, by which any quantity of land above 100 and not exceeding 200 acres fhall be granted, conveyed, or affigned, within fuch colonies, plantations, and iflands, a ftamp duty of two fhillings.

31. For every fkin or piece of vellum or parchment, or fhheet or piece of paper, on which fhall be engroffed, written, or printed any fuch original grant, or any fuch deed, mefne, conveyance or other inftrument whatfoever, by which any quantity of land above 200 and not exceeding 320 acres fhall be granted, conveyed, or affigned, and in proportion for every fuch grant, deed, mefne, conveyance or other inftrument, granting, conveying, or affigning every other 320 acres, within fuch colonies, plantations, and iflands, a ftamp duty of two fhillings and fix pence.

32. For every fkin or piece of vellum or parchment, or fhheet or piece of paper, on which fhall be engroffed, written, or printed any fuch original grant, or any fuch deed, mefne conveyance, or other inftrument whatfoever, by which any quantity of land not exceeding 100 acres fhall be granted, conveyed, or affigned, within all other parts of the *British* dominion in *America*, a ftamp duty of three fhillings.

33. For every fkin or piece of vellum or parchment, or fhheet or piece of paper on which fhall be engroffed, written, or printed any fuch original grant, or any fuch deed, mefne conveyance, or other inftrument whatfoever, by which any quantity of land above 100 and not exceeding 200 acres fhall be granted, conveyed, or affigned within the fame parts of the faid domains, a ftamp duty of four fhillings.

34. For every fkin or piece of vellum or parchment, or fhheet or piece of paper, on which fhall be engroffed, written, or printed any fuch original grant, or any fuch deed, mefne conveyance, or other inftrument whatfoever, by which any quantity of land above 200 and not exceeding 320 acres fhall be granted, conveyed, or affigned, and in proportion for every fuch grant, deed, mefne, conveyance, or other inftrument, granting, conveying, or affigning every other 320 acres within the fame parts of the faid dominions, a stamp duty of five fhillings.

35. For every fkin or piece of vellum or parchment, or fhheet or piece of paper, on which fhall be engroffed, written, or printed any grant, appointment, or admiffion of or to any beneficial office or employment, not hereinbefore charged, above the value of twenty pounds per annum fterling money, in falary, fees, and perquifites, or any exemplification of the fame within the *British* colonies and plantations upon the continent of *America*, the iflands belonging thereto, and the *Bermuda* and *Bahama* Iflands (except commiffions of the officers of the army, navy, ordnance, or militia, and of juftices of the peace), a ftamp duty of four pounds.

36. For every fkin or piece of vellum or parchment, or fhheet or piece of paper, on which fhall be engroffed, written, or printed any fuch grant, appointment, or admiffion of or to any fuch public beneficial office or employment, or any exemplification of the fame within all other parts of the *British* dominions in *America*, a ftamp duty of fix pounds.

37. For every fkin or piece of vellum or parchment or fhheet or piece of paper, on which fhall be engroffed, written, or printed any indenture, leafe conveyance

veyance, contract, stipulation, bill of sale, charter party, protest, articles of apprenticeship or covenant (except for the hire of servants not apprentices, and also except such other matters as hereinbefore charged), within the *British* colonies and plantations in *America*, a stamp duty of two shillings and six pence.

38. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any warrant or order for auditing any public accounts, beneficial warrant, order, grant, or certificate, under any public seal, or under the seal or sign manual of any governor, proprietor, or public officer, alone or in conjunction with any person or persons, or with any council, or any council and assembly, not hereinbefore charged, or any passport or letpats, surrender of office, or policy of assurance, which shall be engrossed, written, or printed, within the said colonies and plantations (except warrants or orders for the service of the army, navy, ordnance, or militia, and grants of offices under twenty pounds per annum, in salary, fees, and perquisites), a stamp duty of five shillings.

39. For every skin or piece of vellum or parchment or sheet or piece of paper, on which shall be engrossed, written, or printed any notarial act, bond, deed, letter of attorney, procuration, mortgage, release, or other obligatory instrument, not hereinbefore charged, within the said colonies and plantations, a stamp duty of two shillings.

40. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed any register, entry, or enrolment of any grant, deed, or other instrument whatsoever, hereinbefore charged, within the said colonies and plantations, a stamp duty of three pence.

41. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed grant register, entry, or enrolment of any grant, deed, or other instrument whatsoever, not hereinbefore charged, within the said colonies and plantations, a stamp duty of two shillings.

42. And for and upon every pack of playing cards, and all dice, which shall be sold or used within the said colonies and plantations, the several stamp duties following (that is to say):

43. For every pack of cards, one shilling.

44. For every pair of such dice, ten shillings.

45. And for and upon every paper called a pamphlet, and upon every newspaper containing public news or occurrences, which shall be printed, dispersed, and made public, within any of the said colonies and plantations, and for and upon such advertisements as are hereinafter mentioned, the respective duties following (that is to say):

46. For every such pamphlet and paper, contained in a half sheet or any lesser piece of paper, which shall be so printed, a stamp duty of one half-penny for every printed copy thereof.

47. For every such pamphlet and paper (being larger than half a sheet and not exceeding one whole sheet) which shall be printed, a stamp duty of one penny for every printed copy thereof.

48. For every such pamphlet and paper, being larger than one whole sheet and not exceeding six sheets in octavo, or in a lesser page, or not exceeding twelve sheets in quarto, or twenty sheets in folio, which shall be so printed, a duty after the rate of one shilling for every sheet of any kind of paper which shall be contained in one printed copy thereof.

49. For every advertisement to be contained in any gazette, newspaper, or other paper, or any pamphlet which shall be so printed, a duty of two shillings.

50. For every almanac, or calendar, for any one particular year, or for any time less than a year, which shall be written or printed on one side only of any one sheet, skin, or piece of paper, parchment, or vellum, within the said colonies and plantations, a stamp duty of two pence.

51. For every other almanac or calendar, for any one particular year, which shall

shall be written or printed within the said colonies and plantations, a stamp duty of four pence.

52. And for every almanac or calendar, written or printed in the said colonies and plantations, to serve for several years, duties to the same amount respectively shall be paid for every such year.

53. For every skin or piece of vellum or parchment, or sheet or piece of paper on which any instrument, proceeding, or other matter or thing aforesaid shall be engrossed, written, or printed, within the said colonies and plantations, in any other than the *English* language, a stamp duty double the amount of the respective duties before charged thereon.

54. And there shall be also paid, in the said colonies and plantations, duty of six pence for every twenty shillings, in any sum not exceeding fifty pounds sterling money, which shall be given, paid, contracted, or agreed for with or in relation to any clerk or apprentice, which shall be put or placed to or with any master or mistress, to learn any profession, trade, or employment. II. And also a duty of one shilling for every twenty shillings, in any sum not exceeding fifty pounds, which shall be given, paid, contracted, or agreed for, with or in relation to, any such clerk or apprentice.

55. Finally, the produce of all the aforementioned duties shall be paid into his Majesty's treasury, and there held in reserve to be used from time to time by the Parliament for the purpose of defraying the expenses necessary for the defence, protection, and security of the said colonies and plantations.

As this Act was not to take effect until *November 1st 1765*, the time intervening became memorable in the history of the Colonies. In *Virginia* the people were prepared to submit, but were no less despondent upon reaching such a decision. They decided to be extremely frugal and to use as few articles of luxury of *English* manufacture as was possible under the circumstances. The Burgesses meeting on *May 1st* no attempt at resistance was offered nor was a further protest even suggested. *Burk* described the condition of the Colonies when he enquired of the ministry "what one characteristic of liberty the *Americans* have, and what one brand of slavery are they free from, if they are bound in their property and industry by all restraints you can imagine on commerce, and at the same time are made pack horses for every tax you impose, without the least share in granting them." Such was the feeling of *Virginia*, yet the Assembly, from whom the people expected so much, had apparently determined to acquiesce without further remonstrance against the Act. This condition of inactivity, however, proved to be of short duration, and ended abruptly in the famous resolutions against the Stamp Act introduced by *Patrick Henry* on *May 29th 1765*:

RESOLUTIONS AGAINST THE STAMP ACT:

Resolved, That the first adventurers and settlers of this his Majesty's colony and dominion brought with them, and transmitted to their posterity, and all other his Majesty's subjects since inhabiting in this his Majesty's said colony, all the privileges, franchises, and immunities that have at any time been held, enjoyed, and possessed by the people of *Great Britain*.

Resolved, That by two royal charters, granted by King *James* the First the colonists aforesaid are declared entitled to all the privileges, liberties, and immunities of denizens and natural-born subjects, to all intents and purposes as if they had been abiding and born within the realm of *England*.

Resolved, That the taxation of the people by themselves, or by persons chosen by themselves to represent them, who can only know what taxes the people are able to bear, and the easiest mode of raising them, and are equally affected by such taxes themselves, is the distinguishing characteristic of *British* freedom, and without which the ancient Constitution cannot subsist.

Resolved

Resolved, That his Majesty's leige people of this most ancient colony have uninterruptedly enjoyed the right of being thus governed by their own Assembly in the article of their taxes and internal police, and that the same hath never been forfeited or in any other way given up, but hath been constantly recognized by the kings and people of *Great Britain*.

Resolved, therefore, That the General Assembly of this colony have the only and sole exclusive right and power to lay taxes and impositions upon the inhabitants of this colony, and that every attempt to vest such power in any person or persons whatsoever, other than the General Assembly aforesaid, has a manifest tendency to destroy *British* as well as *American* freedom.¹

The famous transcript of these Resolutions, (frontispiece) while not in the handwriting of Mr *Henry*, is endorsed on the back of the paper by him as follows:

"The within resolutions passed the House of Burgesses in May, 1765. They formed the first opposition to the Stamp Act and the scheme of taxing *America* by the *British* Parliament. All the colonies, either through fear, or want of opportunity to form an opposition, or from influence of some kind or other, had remained silent. I had been for the first time elected a Burgess a few days before, was young, inexperienced, unacquainted with the forms of the House, and the members that composed it. Finding the men of weight averse to opposition, and the commencement of the tax at hand and that no person was likely to step forth, I determined to venture, and alone, unadvised, and unassisted, on a blank leaf of an old law-book wrote the within. Upon offering them to the House violent debates ensued. Many threats were uttered, and much abuse cast on me by the party for submission. After a long and warm contest the resolutions passed by a very small majority, perhaps of one or two only. The alarm spread throughout *America* with astonishing quickness, and the Ministerial party were overwhelmed. The great point of resistance to *British* taxation was universally established in the colonies. This brought on the war which finally separated the two countries and gave independence to ours. Whether this will prove a blessing or a curse, will depend upon the use our people make of the blessings which a gracious God hath bestowed on us. If they are wise, they will be great and happy. If they are of a contrary character, they will be miserable. Righteousness alone can exalt them as a nation. Reader! whoever thou art, remember this; and in thy sphere practice virtue thyself, and encourage it in others.

P. HENRY.

Thomas Jefferson, in speaking of the circumstances surrounding the passage of the resolutions against the Stamp Act, gives an interesting account of the action:

"Mr *Henry* moved and Mr *Johnston* seconded these resolutions successively. They were opposed by Messrs. Randolph, Bland, Pendleton, Wythe, and all the old members, whose influence in the House had, till then, been unbroken. They did it, not from any question of our rights, but on the ground that the same sentiments had been, at their preceding session, expressed in a more conciliatory form, to which the answers were not yet received. But torrents of sublime eloquence from *Henry*, backed by the solid reasoning of *Johnston*, prevailed. The last, however, and strongest resolution was carried but by a single vote. The debate on it was most bloody. I was then but a student, and stood at the door of communication between the House and the lobby (for as yet there was no gallery) during the whole debate and vote; and I will remember that, after the members on the division were told and declared from the chair, *Peyton Randolph* (the Attorney-General) came out at the door where I was standing, and
said

¹ *Henry--Life of Henry*, Vol. I, p. 80.

said, as he entered the lobby: 'By God, I would have given 500 guineas for a single vote'; for one would have divided the House, and *Robinson*, was in the chair, who he knew would have negatived the resolution. Mr *Henry* left town that evening, and the next morning, before the meeting of the House, Colonel *Peter Randolph*, then of the Council, came to the Hall of Burgesses, and sat at the clerk's table till the House-bell rang, thumbing over the volumes of journals, to find a precedent for expunging a vote of the House, which, he said, had taken place while he was a member or clerk of the House, I do not recollect which. I stood by him at the end of the table a considerable part of the time, looking on, as he turned over the leaves, but I do not recollect whether he found the erasure. In the meantime, some of the timid members, who had voted for the strongest resolution, had become alarmed; and as soon as the House met, a motion was made and carried to expunge it from the journal. There being at that day but one printer, and he entirely under the control of the Governor, I do not know that the resolution ever appeared in print. I write this from memory, but the impression made on me at the time was such as to fix the facts indelibly in my mind. I suppose the original journal was among those destroyed by the *British*, or its obliterated face might be appealed to. And here I will state, that *Burk's* statement of Mr *Henry's* consenting to withdraw two resolutions, by way of compromise with his opponents, is entirely erroneous."

Paul Carrington, a member of the House of Burgesses from *Charlotte County*, sustains Mr *Jefferson's* recollections of this event, and declares that the fifth resolution was erased from record. The recollections of these gentlemen on this subject is supported by the Journal of the Burgesses under date of May 29th 1765. It was in connection with the passage of this fifth resolution that Mr *Henry* gave utterance to his famous declaration: "*Tarquin* and *Cæsar* had each his *Brutus*, *Charles* the First his *Cromwell*, and *George* the Third" "Treason!" shouted the Speaker. "Treason! Treason!" echoed from every part of the House. Without faltering for an instant, but rising to a loftier attitude and fixing on the Speaker an eye which seemed to flash fire, Mr *Henry* added, with the most thrilling emphasis. . . . "may profit by their example! If *this* be treason, make the most of it."

It was the original intention of *Patrick Henry* to have all seven of his resolves passed by the Burgesses, but, when this was found to be impossible, it was determined that they should be printed for the benefit of the Colonies. They therefore appeared in the "*Newport Mercury*" under date of *June 24th* and were later copied in the *Boston* papers of *July 1st*. Full text is herewith given:

Whereas, The Honorable House of Commons, in *England*, have of late draw into question how far the General Assembly of this colony hath power to enact laws for laying of taxes and imposing duties payable by the people of this, his Majesty's most ancient colony; for settling and ascertaining the same to all future times, the House of Burgesses of this present General Assembly have come to the following resolves.

Resolved, That the first adventurers, settlers of this his Majesty's colony and dominion of *Virginia*, brought with them and transmitted to their posterity, and all other his Majesty's subjects, since inhabiting in this his Majesty's colony, all the privileges and immunities that have at any time been held, enjoyed, and possessed by the people of *Great Britain*.

Resolved, That by two royal charters, granted by King *James* the First, he colony aforesaid are declared and entitled to all privileges and immunities of natural born subjects, to all intents and purposes as if they had been abiding, and born within the realm of *England*.

Resolved, That his Majesty's liege people of this ancient colony have enjoyed the right of being thus governed by their own Assembly in the article of

taxes

taxes and internal police, and that the same have never been forfeited, or any other way yielded up, but have been constantly recognized by the King and people of *Great Britain*.

Resolved, Therefore, that the General Assembly of this colony, together with his Majesty or his substitutes, have, in their representative capacity, the only exclusive right and power to lay taxes and imposts upon the inhabitants of this colony; and that every attempt to vest such power in any other person or persons whatever than the General Assembly aforesaid, is illegal, unconstitutional, and unjust, and has a manifest tendency to destroy *British* as well as *American* liberty.

Resolved, That his Majesty's liege people, the inhabitants of this colony, are not bound to yield obedience to any law or ordinance whatever, designed to impose any taxation whatsoever upon them, other than the laws or ordinances of the General Assembly aforesaid.

Resolved, That any person who shall, by speaking or writing, assert or maintain that any person or persons, other than the General Assembly of this colony, have any right or power to impose or lay any taxation on the people here, shall be deemed an enemy to his Majesty's colony.

The publication of these resolves caused an intense excitement. Coming from *Virginia* the oldest of the Colonies, they were looked upon as raising a standard of resistance to the Act in question. The government party pronounced them as treasonable, but this only served to bring them more prominently to the consideration of the people. *Henry* was hailed as a leader, and secret societies pledged to resist the Act by all lawful means, were formed. They were known as "The Sons of Liberty," and the first society seems to have originated in *Boston*, early in July, 1765. That those who were opposed to the new Act represented the people, was attested by the fact that, for the most part, they were of the laboring classes. These societies determined to correspond with the various Colonies with the idea of uniting them and presenting a determined opposition to the Act. It was likewise decided to encourage home manufactures and to discontinue importations, and, in fact, put every obstacle possible in the way of the enforcement of the law. Governor *Fauquier* in his letter to the Board of Trade, under date of June 5th 1765, states that he encloses four resolutions as adopted by the Assembly, but refrains from giving the text of the fifth, which was accepted, but later ordered expunged from the record. In the same communication he also stated that there were only thirty-nine members of the House of Burgesses present and that the vote on the fifth resolution stood 20 to 19:

Williamsburg June¹ 5th 1765.

My Lords,

On Saturday the 1st instant I dissolved the Assembly after passing all the Bills, except one, which were ready for my assent. The four Resolutions which I have now the honor to inclose to your Lordships, will shew Your Lordships the reason of my conduct, and I hope justify it. I will relate the whole proceeding to Your Lordships in as concise a manner as I am able.

On Wednesday the 29th of May, just at the end of the Session when most of the members had left the town, there being but 39 present out of 116 of which the House of Burgesses now consists, a motion was made to take into consideration the Stamp Act, a copy of which had crept into the House, and in a Committee of the whole House five resolutions were proposed and agreed to, all by very small majorities. On Thursday the 30th they were reported & agreed to by the House, the numbers being as before in the Committee; the greatest majority being 22 to 17; for the 5th Resolution, 20 to 19 only. On Friday the 31st there having happened a small alteration in the House there was an attempt to strike all the Resolutions off the Journals. The 5th which was thought the most offensive was accordingly struck off, but it did not succeed as to the other four. I am informed the gentlemen had two more resolutions in their pocket, but finding the difficulty they had in carrying the 5th which

was

was by a single voice, and knowing them to be more virulent and inflammatory; they did not produce them. The most strenuous opposers of this rash heat were the late Speaker, the King's Attorney and M^r Wythe; but they were overpowered by the young hot and giddy members. In the course of the debates I have heard that very indecent language was used by a M^r Henry a young lawyer who had not been a month a Member of the House; who carried all the young Members with him; so that I hope I am authorised in saying there is cause at least to doubt whether this would have been the sense of the Colony if more of their Representatives had done their duty by attending to the end of the Session.

The Bill I refused was the Cattle Bill, a copy of which I sent to your right Hon^{ble} Board on the adjournment in Dec.^r to know whether His Majesty would give me leave to pass it; which was now presented to me in form with the other Bills.

In this Session an Act was passed to establish a regular trade with the Cherokee Indians, a measure more likely to keep them in good humor than all the steps we had taken, of which your Lordships have a full acc.^t in my other letter by this conveyance. I have yet had no fresh news from Augusta relating to the perpetrators of that horrid villany.

If M^r Robinson should be again chosen Speaker in the next Assembly I hope your Lordships will agree with me, that it will be good policy as well as strict Justice to a gentleman who has always assisted me in carrying on the King's service to pass the Act to appoint him Treasurer, as I am confident the Burgeffes will always appoint their own Speaker to that office. And as there is, with me, a great doubt whether the elections in the New Assembly to be called will fall on cool reasonable men, and consequently a doubt whether M^r Robinson will be re-chosen Speaker. I should be glad to know your Lordships sentiments whether I should agree to the appointment of any gentleman to be Treasurer who shall be chosen Speaker, whether I should refuse all indiscriminately or shew this favor to M^r Robinson particularly, who has deserved so well.

I am with the greatest regard

My Lords

Your Lordships most obed.^t

and devoted Serv.^t

FRAN. FAUQUIER

The Act being scheduled to take effect November 1st, 1765, everybody awaited the arrival of the Stamps for the use of the colony, and rumors were everywhere circulated to the effect that they would be seized and destroyed. That such rumors were well founded, is shown by the letter of Governor *Fauquier* to the Board of Trade, under date of December 3rd 1765. In this communication the Governor calls attention to the arrival of Colonel *Mercer*, custodian of the stamps, and gives a very thorough and interesting account of what transpired at that time:

W^miburgh¹ Nov.^r 3^d 1765.

My Lords,

The present unhappy state of this Colony, will, to my great concern, oblige me to trouble Your Lordships with a long and very disagreeable letter. We were for some time in almost daily expectations of the arrival of Colonel *Mercer* with the Stamps for the use of this Colony, and rumours were industriously thrown out that at the time of the General Court parties would come down from most parts of the country to seize on and destroy all Stamped Papers. At those Courts persons engaged in business of any kind constantly attend as well as those who have suits depending before the Court; it being the time when all accompts of transactions of moment are settled, payments made and bills of exchange on Great Britain are drawn; so that there is always a vast concourse of people then in town. These rumours were little regarded or credited.

The first disagreeable thing that happened was the application to me, in Coun-
cil

¹ Bancroft Transcripts—Library of Congress.

cil, from two Counties, by Memorials or Petitions that I would order new Commissions to be made out for their respective Counties, as the present Justices were determined not to act after the day the Act directing Stamp'd Papers to be used in the processes of their Courts, took place. These were ordered to lie on the Table. In order for your Lordships to judge of the propriety of that conduct in the Council, it will be necessary to observe to you, that in few Counties there are gentlemen enough properly educated and qualified, to execute that trust. Therefore if any notice had been taken of these papers, the present set of Justices must have been removed; the consequence of which would have been either that the Courts must have been filled with a meaner sort of people or there could have been no Courts at all; the last of which was to be expected, for if the first gentlemen of the Counties refused to act, it would have become a fashion for the others to follow their examples; indeed they would hardly have dared to have done otherwise. And if these gentlemen had been removed, without a proper submission they could never have been reinstated: which submission was not to be expected, and a general resolution was taken not to issue any new commissions of the Peace till affairs were better settled and peace should take place of disorder and confusion; as we had the greatest reason to believe that many gentlemen who are qualified under the Commissions now subsisting, would take the advantage of new Commissions not to qualify. In which case the Benches would not be filled and the inferior courts of Justice stop'd. To remedy these evils and to prevent this dreadful calamity from falling on the country as much as lay in our power, we took the measures above related.

Very unluckily, Colonel Mercer arrived at the time this town was the fullest of Strangers. On Wednesday the 30th October he came up to town. I then thought proper to go to the Coffee house (where I occasionally sometimes go) which is situated in that part of the town which is call'd the Exchange, tho' an open street where all money business is transacted. My particular reason for going then was that I might be an eye witness of what did really pass, and not receive it by relation from others. The mercantile people were all assembled as usual. The first word I heard was "One and all" upon which, as at a word agreed on before between themselves, they all quitted the place to find Colonel Mercer at his father's lodgings where it was known he was. This concourse of people I should call a mob, did I not know that it was chiefly if not altogether composed of gentlemen of property in the Colony, some of them at the head of their respective Counties, and the merchants of the country whether English, Scotch or Virginian, for few absented themselves. They met Colonel Mercer on the way, just at the Capitol: there they stop'd and demanded of him an answer whether he would resign or act in this office as Distributor of the Stamps. He said it was an affair of great moment to him, he must consult his friends, and promised to give them an answer at 10 o'clock on Friday morning at that place. This did not satisfy them, and they followed him to the Coffee house, in the porch of which I had seated myself with many of the Council and the Speaker, who had posted himself between the crowd and myself. We all received him with the greatest marks of welcome; with which, if one may be allowed to judge by their countenances, they were not well pleased, tho' they remained quiet and were silent. Now and then a voice was heard from the crowd, that Friday was too late; the Act would take place, they would have an answer tomorrow. Several messages were brought to Mr Mercer by the leading men of the crowd, to whom he constantly answered he had already given an answer and he would have no other extorted from him. After some little time a cry was heard, "let us rush in." Upon this we that were at the top of the steps, knowing the advantage our situation gave us to repel those who should attempt to mount them, advanced to the edge of the Steps, of which number I was one. I immediately heard a cry, "See the Governor, take care of him." Those who before were pushing up the steps, immediately fell back, and left a small space between me and them. If your Lordships will not accuse me of vanity I would say that I believe this to be partly owing to the respect they bore to my character

character and partly to the love they bore to my person. After much entreaty of some of his friends, M^r Mercer was, against his own inclination, prevailed upon to promise them an answer at the Capitol the next evening at five. The crowd did not yet disperse; it was growing dark, and I did not think it safe to have M^r Mercer behind me, so I again advanced to the edge of the steps and said aloud I believed no man there would do me any hurt, and turned to M^r Mercer & told him if he would walk with me through the people I believed I could conduct him safe to my house; and we accordingly walked side by side through the thickest of the people, who did not molest us, tho' there was some little murmurs. By me thus taking him under my protection, I believe I saved him from being insulted at least. When we got home we had much discourse on the subject. He asked me what he should do; in return I asked him whether he was afraid for his life, if he was, it was too tender a point for me to advise him; if not, his honor and interest both demanded he should hold the Office; and if that should be his resolution he must not regard the reasonings of his father and brother, two lawyers attending the Court who were both frightened out of their senses for him. He left me that night in a state of uncertainty what part he should act.

Accordingly M^r Mercer appeared at the Capitol at 5, as he had promised. The number of people assembled there was much increased, by messengers having been sent into the neighborhood for that purpose. Colonel Mercer then read to them the answer which is printed in the Supplement of the Gazette, of which I enclose your Lordships a copy, to which I beg leave to refer.

On Friday the first Instant the Judges of the General Court met according to their adjournment as usual. Proclamation was made and the lawyers not appearing at the Bar to do any business, except the King's Attorney who was at his place at the table within the Bar; I waited some time and then ordered proclamation to be made again, once in the Cryer's place, and once at the door; and upon no suitors appearing I called for Colonel Mercer & asked him in open Court whether he could supply the Court with proper Stamps that the business might be carried on, according to law. He replied he could not, and gave the substance of the answer he had given the evening before. I then asked the Clerk whether he could carry on the business without them. He said he could not, without subjecting himself to such penalties as he would not expose himself to. I then took the opinions of my brother Judges on the Bench, Seriatim, whether we might not legally adjourn to the 10th of April next, as there was no business before us. I was asked by one of the gentlemen whether I had received any particular instructions or directions how to act on this occasion. I replied I had not. Then the Court were unanimous that we might adjourn to the next Court in course, which was accordingly done.

Before the adjournment Colonel Mercer offered to resign his commission to me. I did not expect this; but thinking myself obliged to give some answer, I said I did not think myself authorized to accept it, and that I thought all commissions and appointments ought to be resigned into the hands of those from whom they were received. That I thought I ought to accept resignations of all appointments made by myself, but not of those of His Majesty or his ministers at home. I was taken by surprise, and the reasons that then occurred to me besides that which I thought proper to give in public (for the Court was filled with people) were, that if I accepted the resignation, I must appoint another, and I was well convinced I could not find one to accept of it, in those circumstances, which would render the office cheap. Besides if I left M^r Mercer in possession of the place he would be always ready to distribute the Stamp'd papers, whenever peoples eyes should be open'd and they should come to their senses, so as to receive them.

The first and most obvious consequences of all this must be, the shutting up all the parts, and stopping all proceedings in the Courts of Justice. A most melancholy prospect at first view; for what ideas can be well formed of a more miserable condition than a state of general outlawry. What other consequences may follow from

from these, are so buried in obscurity that it requires a sagacity and judgment much superior to my own, even to guess at them, with any the least degree of certainty. But it seems to me that disorder, confusion and misery are before us, unless this poor unhappy deluded people in the Colonies in general, should change their plan.

I had an opportunity of speaking my sentiments on this point to many of the merchants who came to me for registers for their shipping. I represented the absurdity of their conduct who were concerned in shipping and had large debts owing to them, which they could not now recover; but the flame had spread so universally through the Colonies, and every man was so heated thereby, that no reasons could find admittance.

On the Saturday evening the Naval Officers came to me for my advice how they were to act; being before apprized of this, I had an answer ready prepared in my pocket, which I have them in writing in these words:—"Gentlemen; I have been sworn in Council to use my best endeavors to put in execution an Act passed in this last Session of Parliament of Great Britain, directing what Stamps are to be used in your offices in carrying on the business thereof, from the 1st Instant; that Act therefore is to be your guide, and I have no advice to give you but that you act in conformity thereto. Every deviation from it must be at your peril."

FRAN: FAUQUIER.

Colonel Mercer has informed me that he proposes to apply to the Commanders of His Majesty's ships of War, to take the Stamp'd Papers on board their ships for His Majesty's service; it being the place of the greatest if not the only security for them: for I am convinced, as well as himself, that it would be extremely dangerous to attempt to land them during the present fermented state of the Colony. If these Gentlemen should refuse should to take charge of them, and Mr Mercer should apply to me, I will do my duty to His Majesty and save them from being destroyed, to the best of my power, tho' I can by no means answer for the success of my endeavors.

Thus my Lords I have in a candid and undisguised manner set the naked truth before you, and submit my conduct through this whole affair to your Lordships judgment. I must confess that I have never in the course of my life been in a situation which required so much circumspection. I have often been at a loss to form a judgment for myself how to proceed, and have often been dissatisfied with my determinations, and should have been glad of your Lordships superior abilities to assist me in my conduct. If I shall be so fortunate as to have gone through this very difficult affair with a tolerable share of prudence, I shall think myself happy indeed. But if my conduct should meet with the disapprobation of my royal Master or his Ministers, I must rely on your Lordships candor, and beg leave to represent to you that I was left to myself without any instructions or directions from your right honourable Board, to guide me through this wilderness. Your Lordships will I hope forgive me in saying that I even had not the common notice of there being such an Act, as it has never been sent to me: but my zeal to promote His Majesty's service never let me take this into consideration.

I am with the greatest respect & esteem, my Lords
Your Lordships most obed.^t
and devoted Serv.^t

FRAN. FAUQUIER.

The result of this act upon the part of the people of the Colony caused Captain Sterling, of his Majesty's ship "Rainbow," to take the entire collection of Stamps brought into the colony by Colonel Mercer on board his vessel. Governor Fauquier calls attention to this act in his letter to the Board of Trade under date of November 8th 1765:

My

W^msburgh: Nov.^r 8th 1765.

My Lords,

I think it my duty to inform Your Lordships that since my long letter of the 3^d instant Captain Stirling has with great readiness taken all the Stamp'd Papers brought in by Colonel Mercer on board the Rainbow for their security, till the madness of the people shall abate. And it is with some degree of pleasure I can inform Your Lordships that I am not altogether without hopes that the distress the country will feel on a total stagnation of business, will open their eyes and pave the way for the Act's executing itself. For I am very credibly informed that some of the most busy men in opposing the reception of the Stamps are already alarmed at the consequences of the imprudent steps they have taken. God grant my information may prove true.

I am with the greatest esteem and regard

My Lords

Your Lordships most obed.^t

and devoted Servant

FRAN. FAUQUIER.

This spirit of resistance as shown by the people of *Virginia* was closely followed by the other Colonies, and delegates were elected to meet and discuss what course should be pursued to defeat the purpose of stamp legislation. This body claimed that the Act extending the jurisdiction of the Courts of Admiralty was unjust, as was the abolition of trial by jury. They declared the Act to "have a manifest tendency to subvert the rights and liberties of the colonists." This position was maintained in an address to the King and Parliament, and the views of the colonies were so strongly expressed that it was difficult to secure the signature of the delegates to the address in question. This opposition to the Stamp Act, however, gave rise to little hope of effecting an annulment. The Colonies were convinced, that, owing to the unfriendly attitude of the Duke of *Cumberland*, who was Prime Minister at that time, nothing favorable to *America's* cause could be expected. Their rights were not to be overridden, however, without presenting the strongest possible opposition. The Magistrates throughout the Colony determined that they would not enforce the Stamp Act, and declined to further serve as officers of the Colony. This movement was probably started in *Westmoreland* county, and, from the determined spirit expressed by the Magistrates in that county, it was at once apparent that the successful operation of the Stamp Act in *Virginia* was anything but assured.

That such an association³ was formed is noted in the following resolutions² passed at *Leedstown*, on the 27th day of *February* 1766:

"Roused by danger, and alarmed at attempts, foreign and domestic, to reduce the people of this country to a state of abject and detestable slavery, by destroying that free and happy constitution of government, under which they have hitherto lived. We, who subscribe this paper, have associated, and do bind ourselves to each other, to God, and to our country, by the firmest ties that religion and virtue can frame, most sacredly and punctually to stand by, and with our lives and fortunes, to support, maintain, and defend each other in the observance and execution of these following articles.

First. We declare all due allegiance and obedience to our lawful Sovereign, *George* the third King of *Great Britain*. And we determine to the utmost of our power to preserve the laws, the peace and good order of this Colony, as far as is consistent with the preservation of our Constitutional rights and liberty.

Secondly. As we know it to be the Birthright privilege of every *British* Subject, (and of the people of *Virginia* as being such) founded on Reason, Law, and Compact; that he cannot be legally tried, but by his peers; and that he cannot

be

¹ Bancroft Transcripts—Library of Congress.

² Southern Literary Messenger, Vol. 8. p. 258.

³ *Ibid*, Vol. 8. p. 257.

be taxed, but by consent of a Parliament, in which he is represented by persons chosen by the people, and who themselves pay a part of the tax they impose on others. If therefore, any person or persons shall attempt, by any action or proceeding, to deprive this Colony of those fundamental rights, we will immediately regard him or them, as the most dangerous enemy of the community; and we will go to any extremity, not only to prevent the success of such attempts, but to stigmatize and punish the offender.

Thirdly. As the Stamp Act does not absolutely direct the property of the people to be taken from them without their consent expressed by their representatives, and as in many cases it deprives the *British American* Subject of his right to trial by jury; we do determine, at every hazard, and, paying no regard to danger or to death, we will exert every faculty, to prevent the execution of the said Stamp Act in any instance whatsoever within this Colony. And every abandoned wretch, who shall be so lost to virtue and public good, as wickedly to contribute to the introduction or fixture of the Stamp Act in this Colony, by using stamped paper, or by any other means, we will, with the utmost expedition, convince all such profligates that immediate danger and disgrace shall attend their prostitute purpose.

Fourthly. That the last article may most surely and effectually be executed, we engage to each other, that whenever it shall be known to any this association, that any person is so conducting himself as to favor the introduction of the Stamp Act, that immediate notice shall be given to as many of the association as possible; and that every individual so informed, shall, with expedition, repair to a place of meeting to be appointed as near the scene of action as may be.

Fifthly. Each associator shall do his true endeavor to obtain as many signers to this association, as he possibly can.

Sixthly. If any attempt shall be made on the liberty or property of any associator for any action or thing to be done in consequence of this agreement, we do most solemnly bind ourselves by the forced engagements above entered into, at the utmost risk of our lives and fortunes, to restore such associate to his liberty, and to protect him in the enjoyment of his property.

In testimony of the good faith with which we resolve to execute this association we have this 27th day of *February* 1766, in *Virginia*, put our hands and seals hereto."

Richard Henry Lee
Will. Robinson
Lewis Willis
Thos. Lud. Lee
Samuel Washington
Charles Washington
Moore Fauntleroy
Francis Lightfoot Lee
Thomas Jones
Rodham Kenner
Spencer M. Ball
Richard Mitchell
Joseph Murdock
Richd. Parker
Spence Monroe
John Watts
Robt. Lovell
John Blagge
Charles Weeks
Willm. Booth

William Sydnor
John Monroe
William Cocke
Willm. Grayson
Wm. Brockenbrough
Saml. Selden
Richd. Lee
Daniel Tibbs
Francis Thornton, junr.
Peter Rust
John Lee, jr.
Francis Waring
John Upshaw
Meriwether Smith
Thos. Roane
Jas. Edmondson
Jas. Webb, junr.
John Edmondson
Jas. Banks
Smith Young

<i>Geo. Turberville</i>	<i>Laur. Washington</i>
<i>Alvin Moxley</i>	<i>W. Roane</i>
<i>Wm. Flood</i>	<i>Rich. Hodges</i>
<i>John Ballantine, junr.</i>	<i>Jas. Upshaw</i>
<i>William Lee</i>	<i>Jas. Booker</i>
<i>Thos. Chilton</i>	<i>A. Montague</i>
<i>Richard Buckner</i>	<i>Richd. Jeffries</i>
<i>Jos. Pierce</i>	<i>John Suggett</i>
<i>Will. Chilton</i>	<i>John S. Woodcock</i>
<i>John Williams</i>	<i>Robt. Wormeley Carter</i>
<i>John Blackwell</i>	<i>John Beale, junr.</i>
<i>Winder S. Kenner</i>	<i>John Newton</i>
<i>Wm. Bronaugh</i>	<i>Will. Beale junr.</i>
<i>Wm. Pierce</i>	<i>Chs. Mortimer</i>
<i>John Berryman</i>	<i>John Edmondson, jr.</i>
<i>John Dickson</i>	<i>Charles Beale</i>
<i>John Broone</i>	<i>Peter Grant</i>
<i>Edwd. Sanford</i>	<i>Thompson Mason</i>
<i>Charles Chilton</i>	<i>Jona. Beckwith</i>
<i>Edward Sanford</i>	<i>Jas. Sanford</i>
<i>Daniel McCarty</i>	<i>John Belfield</i>
<i>Jer. Sush</i>	<i>W. Smith</i>
<i>Edwd. Ransdell</i>	<i>John Augt. Washington</i>
<i>Townshend Dade</i>	<i>Thos. Belfield</i>
<i>John Ashton</i>	<i>Edgcomb Suggett</i>
<i>W. Brent</i>	<i>Henry Francks</i>
<i>Francis Foushee</i>	<i>John Bland, junr.</i>
<i>John Smith, junr.</i>	<i>Jas. Emerson</i>
<i>Wm. Ball</i>	<i>Thos. Logan</i>
<i>Thos. Barnes</i>	<i>Jo. Milliken</i>
<i>Jos. Blackwell</i>	<i>Ebenezer Fisher</i>
<i>Reuben Meriwether</i>	<i>Hancock Eustace</i>
<i>Edw. Mountjoy</i>	<i>John Richards</i>
<i>Wm. J. Mountjoy</i>	<i>Thos. Jett</i>
<i>Thos. Mountjoy</i>	<i>Thos. Douglas</i>
<i>John Mountjoy</i>	<i>Max. Robinsan</i>
<i>Gilbt. Campbell</i>	<i>John Orr</i>
<i>Jos. Lane</i>	

Such was the condition of affairs in *Virginia* as the result of the passage of the Stamp Act, the cry being that "taxation and representation were co-equal with, and essential to, the Constitution." This was the position taken by Lord *Camden*, who represented the colonies in a most prominent way on the floor of Parliament. This Statesman maintained that taxation and representation were inseparable, and largely through his efforts was the Act repealed. Associated with him in the cause of the Colonies was *Pitt*, who gloried in the resistance of *America*. He maintained that "three millions of people so dead to all feeling of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest. Such arguments were irresistible, and, largely due to the influence of *Pitt* and *Camden*, Parliament put an end to taxation of the Colonies. *George* the Third affixed his signature to the Act repealing this obnoxious law on March 18th 1766, and no Act of *Great Britain* during the history of the Colonies proved so acceptable to *Americans* in general:

ACT REPEALING THE STAMP ACT.

An Act to repeal an Act made in the last Session of Parliament, intituled, An Act for granting and applying certain Stamp Duties, and other Duties, in the British Colonies and Plantations in America, towards further defraying the Expenses of defending, protecting and securing the same; and for amending such Parts of the several Acts of Parliament relating to the Trade and Revenue of the said Colonies and Plantations, as direct the Manner of determining and recovering the Penalties and Forfeitures therein mentioned.

Whereas an Act was passed in the last Session of Parliament, intituled, *An Act for granting and applying certain Stamp Duties, and other Duties, in the Colonies British Colonies and Plantations in America, towards further defraying the Expenses of defending, protecting and securing the same; and for amending such Parts of the several Acts of Parliament relating to the Trade and Revenues of the said Colonies and Plantations, as direct the Manner of determining and recovering the Penalties and Forfeitures therein mentioned:* And whereas the Continuance of the said Act would be attended with many Inconveniences, may be productive of Consequences greatly detrimental to the Commercial Interests of these Kingdom's; May it therefore please Your Most Excellent Majesty, that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the first Day of May one thousand seven hundred and sixty-six, the above mentioned Act, and the several Matters and Things therein contained, shall be, and is and are hereby repealed and made void to all Intents and Purposes whatsoever.

This action upon the part of *Great Britain* was made known to *Virginians* by a proclamation issued by Governor *Fauquier* on the 6th day of *June* 1766.

A PROCLAMATION.

VIRGINIA, to wit:

Whereas, his Majesty has been graciously pleased to give his assent to an act of Parliament (a copy of which is now in this colony) entitled *An Act to repeal an act made in the last session of Parliament, entitled An Act for granting and applying certain Stamp Duties, and other duties, in the British colonies and plantations in America, towards further defraying the expense of defending, protecting, and securing the same; and for amending such parts of the several acts of Parliament, relating to the trade and revenue of the said colonies and plantations, as direct the manner of determining and recovering the penalties and forfeitures therein mentioned:* I have thought proper, by and with the advice of his Majesty's Council, to issue this proclamation, hereby notifying the same; to the end that all magistrates, officers, and others whom it may concern, do proceed on business, and execute the respective duties of their office in the usual course. And for the more solemn signification thereof, I do appoint this proclamation to be read and published at the courthouse of the several counties within this dominion. Given under my hand, and the seal of the colony, at *Williamsburg*, this 9th day of *June* 1766, and the 6th year of his Majesty's reign.

FRANCIS FAUQUIER.

GOD SAVE THE KING.

So ended the greatest of tax disputes in the history of the Colonies. The repeal of the Stamp Act was considered not only a happy deliverance from an unjust tax, but it at once gave the Colonies a position of prominence which they had never before held. They

became

¹ Statutes at Large, VI, p. 667.

became important factors to be considered by *Great Britain* in the administration of its colonial affairs, and, recognising that they occupied such a position, the Colonies determined upon closer relations among themselves than had heretofore existed. The various Assemblies were wont to take action on any important question without knowing the position others had assumed under similar conditions, and, in fact, many laws passed by these bodies were to all intents and purposes national as well as of local importance.

Such was the result of the action of *Great Britain*, in creating a law that was framed and advocated by such statesmen as the Duke of *Cumberland*, Lord *Townsend* and others and, but for entrusting the destinies of the Colonies to such men, *Great Britain* would undoubtedly have exercised jurisdiction over *America* much later than 1776.

JOHN PENDLETON KENNEDY.

Richmond, June, 1907.

JOURNAL

of the

HOUSE OF BURGESSES

1761

Burgeffes.

Accornac	Thomas Parramore Southey Simpſon	Hampſhire	James Keith Thomas Rutherford
Albemarle	*Thomas Walker John Fry	Hanover	*John Syme Nathaniel Weſt Dandridge
Amelia	*David Greenhill *Thomas Tabb	Henrico	Bowler Cocke †William Randolph
Amherſt	*William Cabell Cornelius Thomas	Iſle of Wight	James Bridger Joſeph Bridger
Auguſta	*Iſraël Chriſtian *John Wilſon	James City	Lewis Burwell Philip Johnſon
Bedford	William Callaway John Talbot	Jameſtown	Edward Champion Travis
Brunſwick	*Iſaac Rowe Walton William Thornton	King & Queen	*John Robinſon *†George Braxton
Buckingham	Robert Bolling *Joſeph Cabell	King George	*Charles Carter *Charles Carter, Jr.
Caroline	*Edmund Pendleton *John Baylor	King William	*Bernard Moore *Carter Braxton
Charles City	*Benjamin Harrifon William Kennon	Lancaſter	*Charles Carter Richard Mitchell
Cheſterfield	*Archibald Cary Richard Eppes	Loudoun	Francis Lightfoot Lee James Hamilton
The College	*Mann Page	Louiſa	William Johnſon Thomas Johnſon
Culpeper	James Barbour John Field	Lunenburg	Clement Reade Henry Blagrove
Cumberland	*George Carrington John Fleming	Middleſex	John Smith Ralph Wormeley
Dinwiddie	Robert Bolling *Leonard Claiborne, Jr.	Nanſemond	Lemuel Riddick Willis Riddick
Elizabeth City	*George Wythe *William Wager	New Kent	*Gill Armifthead Richard Adams
Effex	*John Upſhaw John Lee	Norfolk	No election held See Page 18
Fairfax	George Johnſton John Weſt	Norfolk Borough	*Joſeph Hutchings
Fauquier	Thomas Marſhall Thomas Harrifon	Northampton	John Harmanſon Thomas Dalby
Frederick	*George Waſhington George Mercer	Northumberland	*§Preſley Thornton Spencer Hall
Glouceſter	John Page *Thomas Whiting	Orange	*James Taylor James Walker
Goochland	John Payne Joſias Payne	Prince Edward	*Peter Legrand Abner Naſh
Halifax	Nathaniel Terry Robert Wade	Prince George	*Richard Bland Richard Bland, Jr.

*Not ſhown by the Journal to have been preſent during the Aſſembly.

†Died ſhortly after election was held.

§Appointed to Council.

Prince William	*Henry Lee	Surry	Hartwell Cocke
	*John Baylis		Henry Browne
Princess Anne	Anthony Walke	Suffex	David Mafon
	Edward Hack Mofeley		John Edmunds
Richmond	*Landon Carter	Warwick	*William Digges
	*John Woodbridge		William Harwood
Southampton	Joseph Gray	Westmoreland	*Richard Henry Lee
	Benjamin Symmons		*Richard Lee
Spotsylvania	Fielding Lewis	Williamsburg	*Peyton Randolph
	*Benjamin Grymes	York	*Dudley Digges
Stafford	William Fitzhugh		Thomas Nelson, Jr.
	Thomas L. Lee		

*Not shown by the Journal to have been present during the Assembly.

JOURNAL

of the

HOUSE OF BURGESSES

Tuesday, the 3rd of November, 2 Geo. III. 1761.

SIXTY FIVE *Members* having taken the Oaths appointed to be taken by Act of Parliament, instead of the Oath of Allegiance and Supremacy, and taken and subscribed the Oath of Abjuration, and also subscribed the Test, took their Places in the House.

A *Message* from the Governour by Mr *Walthoe*.

Gentlemen of the House of Burgeffes,

The Governour commands your immediate Attendance in the Council Chamber.

The House went up accordingly, and the Governour was pleased to say to them:

Gentlemen of the House of Burgeffes,

You must return again to your House, and immediately proceed to the Choice of a Speaker.

Being returned, Mr *Bland* reminded the House of the Governour's Commands to proceed to the Choice of a Speaker, and he recommended *John Robinson*, Esq; who had for many Years past, and in many Assemblies, executed that important Trust, and had given undeniable Proofs of his Abilities and Integrity: And he was accordingly unanimously elected Speaker, and in the usual Manner conducted to the Chair; from whence he returned his Thanks to the House for the Honour they had conferred on him, and expressed the just Sense he had of the Obligation they laid him under.

Ordered, That a *Message* be sent to the Governour, to acquaint him that this House, in Obedience to his Commands, have made Choice of a Speaker, and to know his Pleasure when they shall attend to present him; and that Mr *Bland*, and Mr *Charles Carter*, Jun. do wait on him with the said *Message*.

They accordingly withdrew; and being returned, Mr *Bland* reported that the Governour was pleased to say he was then ready to receive them in the Council Chamber.

And accordingly the House went up with their Speaker elect, and the Governour was pleased to declare he was particularly pleased with their Choice. Mr *Speaker* then, in Behalf of the House, petitioned the Governour that they might enjoy their ancient Rights and Privileges, such as Freedom of Speech and Debate, Exemptions from Arrests, and Protection for their Estates; and for himself, he intreated that no Mistakes of his might be imputed to the House.

To which the Governour answered, that he should take Care to defend them in all their just Rights and Privileges.

Being returned, Mr *Speaker* reported that the House had attended the Governour in the Council Chamber, and presented their Speaker; that he was pleased to approve of their Choice, and then made a Speech to the Council and this House, of which he had, to prevent Mistakes, obtained a Copy; which he read, and afterwards delivered in at the Table, where it was again read, and is as follows:

Gentlemen

Gentlemen of the Council, M^r Speaker, and Gentlemen of the House of Burgeffes,

It was necessary for me to convene you at this Time, that you might take into your Consideration the present State of the Regiment, and the Time for which it stands provided. To prevent laying any unnecessary Burthen on you, it was my Resolution to leave this Matter entirely to yourselves, as you were the most competent Judges of the Condition of your own Frontiers; without requiring a single Man from you, unless his Majesty had demanded any: But Sir Jeffrey Amherst, in a Letter I have received from him, in Answer to one I wrote to him on that Head, has given such Reasons for the Continuance of the Regiment, at Least until a solid Peace is concluded with the Cherokee Indians, as have had great Weight with me; for which Reason I shall lay his Letter before you for your Deliberations thereon, not doubting but you will see the Utility of pursuing the Measures he recommends to me.

I wish it had been now in my Power to have given you any certain Intelligence of the Progresses made towards a Peace with those Indians; but the last Letter I have received from the Lieutenant Governour of South Carolina, in whose Province these Negotiations are carrying on, was the 25th of May last. If any fresh Information should arrive, during your present Session, you may depend on my immediately communicating it to you.

It is with great Pleasure I can acquaint you that Mess^{rs}. John Chifwell and Thomas Walker, the two Gentlemen whom, authorized by you, I appointed my Commissioners to meet those Indians on our Frontiers, executed that Commission with Punctuality and Expedition, to the Satisfaction of myself and his Majesty's Council; and I now recommend them to you, to make them such Recompense as their Service merits.

I have received Letters from Colonel Stephen, who informs me that since the Command of the Regiment had devolved on him he has proceeded as far as the Big Island, and encamped on the main Branch of Holston River; where he has received submissive Letters from some of those Indian Chiefs who were supposed to be the most averse to Peace, Copies of which he has sent to me, with his Answers. This Place Colonel Stephen points out as very proper on which to erect a Fort and Storehouse. As I am uncertain whether this Spot is actually within this Colony, or in North Carolina, and am utterly unacquainted with the Advantages to be expected from carrying on a Trade with those Indians, I shall refer the Consideration of this Matter wholly to you, and have deferred giving him any Answer until I should have your Resolution thereon. This Letter, and Papers, I shall now lay before you.

M^r Speaker, and Gentlemen of the House of Burgeffes,

The Allotment made to this Colony out of the £ 200,000 granted by the British Parliament for the Services performed by the Colonies for the Year 1759, which is now, I am informed, in the Hands of your Agent, will be perhaps sufficient to answer the Expenses of providing for the Regiment for a longer Time, without your being obliged to lay any additional Burthen on the Inhabitants of this Colony, or creating any new Emission of Paper Currency; a Thing, if possible, to be avoided; yet, if found to be absolutely necessary, to be complied with: For, Necessity has no Law. I have the greatest Confidence in your Prudence, that you will conduct yourselves in a Manner suitable to your Duty to our most gracious Sovereign, and the true permanent Interest of your Country.

Gentlemen of the Council and of the House of Burgeffes,

As the last Assembly took into their Consideration the Grievances, and provided for the Wants, of the Colony, by enacting several wholesome Laws for the Benefit of the Community, there will consequently be but little Business for you to enter on this Session; and I shall only recommend to you that Zeal, Unanimity and Despatch, which I have so frequently and so satisfactorily experienced during the repeated Sessions of the last General Assembly; and which I have not the least Room to doubt but I shall find as active through the Course of this, which I hope will continue as long as our Constitution, and the Example of our Mother Country, will permit.

Resolved

Resolved, That an humble Address be presented to his Honour the Governour, to return him the Thanks of this House for his affectionate Speech; to assure him we will seriously consider the several Matters he has been pleased to recommend to us, and will proceed therein with Zeal, Unanimity and Despatch.

Ordered, That a Committee be appointed to draw up the said Address; and it is referred to Mr Attorney, Mr Pendleton and Mr Bland, to prepare and bring in the same.

Resolved, That this House will take the Governour's Speech into Consideration Tomorrow.

Mr Speaker reported that the Governour had delivered to him the several Letters mentioned in his Honour's Speech, with Directions to lay the same before this House.

And the said Letters were read, and ordered to lie on the Table.

Ordered, That the Reverend Mr Yates be appointed Chaplain to this House, and that he attend to read Prayers every Morning at Ten o'Clock.

Ordered, That Thomas Broadrib, James Lavie, Thomas Francis and Nathaniel Hix, be appointed Doorkeepers to the House, and that they give their Attendance accordingly.

And then the House adjourned until Tomorrow Morning, Ten o'Clock.

Wednesday, the 4th of November, 2 Geo. III. 1761.

ORDERED, That an Address be made to the Governour to order a new Writ to issue for electing a Burgess to serve in this present General Assembly for the County of *Henrico*, in the Room of *William Randolph*, Gentleman, deceased, and that Mr *Bowler Cocke* do wait on him with the said Address.

Ordered, That an Address be made to the Governour to order a new Writ to issue for the electing a Burgess to serve in this present General Assembly for the County of *King and Queen*, in the Room of *George Braxton*, Gentleman, deceased, and that Mr *Pendleton* do wait on him with the said Address.

Ordered, That an Address be made to the Governour to order a new Writ to issue for electing a Burgess to serve in this present General Assembly for the County of *Northumberland*, in the Room of the Honourable *Presly Thornton*, Esq; appointed one of his Majesty's Council for this Colony, and that Mr *Henry Lee* do wait on him with the said Address.

On a Motion made,

Ordered, That all such Claims and Propositions as shall be certified to this Session of Assembly be referred to the Consideration of the next Session of Assembly.

On a Motion made,

Ordered, That Leave be given to bring in a Bill For regulating the Fees and Charges of Persons practising Physick, Surgery and Midwifery, in this Colony; and it is referred to Mr *Landon Carter*, and Mr *Richard Henry Lee*, to prepare and bring in the same.

On a Motion made,

Ordered, That Leave be given to bring in a Bill To empower the Vestry of the Parish of *Hanover*, in the County of *King George*, to sell their present Glebe Lands, and to lay out the Money in the Purchase of a more convenient Glebe; and it is referred to Mr *Charles Carter*, and Mr *Charles Carter*, Junior, to prepare and bring in the same.

Several Petitions of *Henry Orm*, *John Dony*, *William Chisam*, *John Fitzpatrick* and *Henry Moxom*, late Soldiers of the *Virginia* Regiment, who have been discharged as disabled and unfit for Service, and praying Relief, were severally presented to the House and read.

Ordered, That the said Petitions be referred to Mr *Washington*, Mr *Bland*, Mr *Wilson* and Mr *Christian*; that they examine into the Allegations of the said Petitions respectively, and report the same, with their Opinions thereon, to the House.

A Petition of fundry Inhabitants of the Counties of *Amherst* and *Buckingham*, setting forth that before their Division from the County of *Albemarle* a complete Set
of

of Weights and Measures of the *English* Standard had been purchased for the Use of that County, of which they paid their proportionable Part; and praying that the Inhabitants of the said County of *Albemarle* may be obliged to reimburse them, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the next Session of Assembly.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For appointing a Treasurer, and it is referred to Mr *Bland* to prepare and bring in the same.

The *Order* of the Day being read for the House to take into their Consideration the Governour's Speech.

Resolved, That this House will resolve itself into a Committee on the said Speech.

Ordered, That the several Letters mentioned in the said Speech, and Yesterday laid before the House, be referred to the Consideration of the said Committee.

And then the House resolved itself into a Committee on the said Speech and Letters; and after some Time spent therein Mr *Speaker* resumed the Chair and Mr *Charles Carter* reported that the Committee had had the said Speech and Letters under their Consideration, and had come to two Resolutions thereon, which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Regiment now in the Service of this Colony be further continued.

Resolved, That a Sum not exceeding £ 12,000 be raised for the Pay and Maintenance of the said Regiment.

Mr *Carter* also reported that the Committee, not having Time to go through the said Speech, had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into a Committee on the said Speech Tomorrow.

On a *Motion* made,

The House immediately resolved itself into a Committee to consider of Ways and Means for raising the Sum of £ 12,000, agreeable to the above Resolution; and after some Time spent therein Mr *Speaker* resumed the Chair, and Mr *Charles Carter* reported that the Committee had had that Matter under their Consideration, and had come to a Resolution thereon, which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

Resolved, That the Sum of £ 12,000 be raised by Bills of Exchange, to be drawn on *Edward Montagu*, Esq;

Ordered, That a Bill or Bills be brought in, pursuant to the three foregoing Resolutions; and it is referred to Mr *Charles Carter*, Mr *Attorney*, Mr *Pendleton*, Mr *Grymes*, Mr *Walker* and Mr *Cary*, to prepare and bring in the same.

Ordered, That a Committee of Privileges and Elections be appointed of the following Persons:

Mr *Attorney*.

Mr *Charles Carter*.

Mr *Dudley Digges*.

Mr *Bland*.

Mr *Wythe*.

Mr *Landon Carter*.

Mr *Richard Henry Lee*.

Mr *William Digges*.

Mr *Pendleton*.

Mr *Benjamin Harrison*.

Mr *Whiting*.

Mr *John Page*.

Mr *Baylor*.

And they are to meet and adjourn from Day to Day, and examine in the first Place all Returns of Writs for electing Burgesses to serve in this present General Assembly and compare the same with the Form prescribed by Law; and to take into their Consideration all such Matters as shall or may come in Question touching Returns, Elections and Privileges; and to report their Proceedings, with their Opinions thereon, from Time to Time, to the House; And the said Committee is to have Power to send for Persons, Papers and Records, for their Information.

Resolved

Resolved, That five of the said Committee be a sufficient Number to make a Committee.

Resolved, That in all Cases of controverted Elections to be heard at the Bar of this House, or before the Committee of Privileges and Elections, the Petitioners do by Themselves, or by their Agents, within a convenient Time, to be appointed either by the House or the Committee of Privileges and Elections, as the Matter to be heard shall be before the House or the said Committee, deliver to the fitting Members, or their Agents, Lists of the Persons intended by the Petitioners to be objected to, who voted for the fitting Members, giving in the said Lists the several Heads of Objection, and distinguishing the same, against the Names of the Voters excepted to; and that the fitting Members do by Themselves, or their Agents, within the same Time, deliver the like Lists on their Part to the Petitioners, or their Agents.

And then the House adjourned until Tomorrow Morning, Ten o'Clock.

Thursday, the 5th of November, 2 Geo. III. 1761.

MR Attorney reported that the Committee appointed had, according to Order, prepared an Address to the Governour, which he read in his Place and afterwards delivered in at the Table, where the same was again twice read, and agreed to, and is as follows:

SIR,

We his Majesty's most dutiful and loyal Subjects, the Burgeesses of Virginia, now met in General Assembly, return you our Thanks for your Speech at the Opening of this Session.

Your affectionate and tender Manner of applying to this House cannot but add to that Esteem your Conduct had before raised very high. The Regard you have always shown for the Welfare of the People, the Freedom and Sincerity we must all have observed in your Administration, will ever keep up the same Sentiments of Gratitude and Affection to your Person and Government. We are fully satisfied that you will never ask any Thing of this Assembly but what you are convinced will be agreeable to our Duty to his Majesty, and the true permanent Interest of this Colony; and it will be with great Reluctance we shall ever deviate from those Measures which you think will be productive of those salutary Ends.

You may be assured, Sir, we shall take under our Consideration the several Matters you have been pleased to recommend to us, with all possible Zeal, Unanimity and Despatch.

Ordered, That the said Address be fairly transcribed, and presented by the whole House.

Ordered, That the Committee who prepared the same wait on the Governour, to know his Pleasure when this House shall attend his Honour to present it.

Mr Bland presented to the House, according to Order, a Bill For appointing a Treasurer; and the same was read the first Time, and ordered to be read a second Time.

A Message from the Council by Mr Walthoe.

That they had sent down for the Consideration of this House several Letters from Edward Montagu, Esq; Agent for this Colony, which had been laid before them by the Committee of Correspondence.

Ordered, That the said Letters do lie on the Table for the Perusal of the Members of this House.

A Petition of Mr James Wallace, complaining of an undue Election and Return of Mr William Wager, to serve as a Burgess in this present General Assembly for the County of Elizabeth City.

Also a Petition of Mr John Leigh, complaining of an undue Election and Return of Mr Peter Legrand, to serve as a Burgess in this present General Assembly for the County of Prince Edward.

Also

Also a *Petition* of Mr *John Clack*, complaining of an undue Election and Return of Mr *Isaac Row Walton*, to serve as a Burgess in this present General Assembly for the County of *Brunswick*, were severally presented to the House and read.

Ordered, That the said Petitions be referred to the Committee of Privileges and Elections; that they do examine into the Allegations thereof, and report the same, as they shall appear to them, with their Opinions thereupon, to the House.

Mr *Charles Carter*, from the Committee appointed presented, to the House, according to Order, a Bill For further continuing the Regiment in the Service of this Colony; and the same was read the first Time, and ordered to be read a second Time.

He also presented to the House, according to Order, a Bill To empower the Vestry of the Parish of *Hanover*, in the County of *King George*, to sell their present Glebe Lands, and to lay out the Money in the Purchase of a more convenient Glebe; and the same was read the first Time, and ordered to be read a second Time.

A *Petition* of fundry Inhabitants of the Town of *Staunton*, in the County of *Augusta*, setting forth that the late Colonel *Beverley* had given to that County 25 Acres of Land adjoining the said Town, to be added to and made Part thereof, which are since laid out into Lots; and praying that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That a Bill be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Christian* and Mr *Wilson* to prepare and bring in the same.

A *Petition* of fundry Inhabitants of the County of *Bedford*, setting forth that *William Callaway*, Gentleman, had given 100 Acres of Land to the said County, adjoining the Court House, to be laid off into a Town; and praying that an Act may pass to establish the same, was presented to the House and read.

Ordered, That it be an Instruction to the Committee appointed to prepare and bring in a Bill For enlarging the Town of *Staunton*, in the County of *Augusta*, that they receive a Clause or Clauses pursuant to the Prayer of the said Petition.

Mr *Washington* reported that the Committee appointed had had under their Consideration the several Petitions of *Henry Orm*, *Henry Moxom*, *John Fitzpatrick*, *William Chisam* and *John Dony*, late Soldiers of the *Virginia* Regiment, and discharged as unfit for further Service, to them referred, and had come to two Resolutions thereon, which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Allegations of the said Petitions are true.

Resolved, That the said *Henry Moxom* ought to be allowed the Sum of £ 25, and the said *Henry Orm*, *John Fitzpatrick*, *William Chisam* and *John Dony*, the Sum of £ 20 each, as a Satisfaction for the Injuries they have sustained in the Service of this Colony, to be paid by the Publick.

A *Petition* of fundry Merchants on *Rappahannock* River, complaining that they are greatly imposed on by a Set of Men called Pilots, who exact exorbitant Fees; and praying that a late Act of Assembly For establishing the Rates of Pilotage, which expired some Time ago, may be revived, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the next Session of Assembly.

A *Petition* of *Mann Page*, Esq; setting forth that he is seized in Fee Taille of a Tract of Land in *Hanover*, whereon *Page's* and *Crutchfield's* Warehouses stand, containing about 950 Acres; also of a Tract in *King William* County, of 2000 Acres; that he conceives it would be greatly to the Advantage of himself and his Posterity to dock the Entail of those Lands, on one of which he proposes to establish a Town, and to settle in Lieu thereof a Tract of Land of which he is seized in Fee in *Effex*, containing about 1380 Acres, with 53 Slaves to be annexed thereto, to the same Uses; and praying that an Act may pass for that Purpose.

Ordered, That a Bill be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Charles Carter* to prepare and bring in the same.

Several

Several *Claims* of *John Pulliam*, *Thomas Lane*, *Abel Stears*, *William Simson*, *John Chiles*, *James Swain*, *Michael Thomas* and *Thomas Fitzpatrick*, for taking up Slaves therein mentioned, were severally presented to the House and received, and referred to the Consideration of the next Session of Assembly.

The *Order* of the Day being read,

The House again resolved itself into a Committee to take into their further Consideration the Governour's Speech, together with the several Letters to the said Committee referred; and after some Time spent therein Mr *Speaker* resumed the Chair, and Mr *Charles Carter* reported that the Committee had had the said Speech and Letters under their further Consideration, and gone through the same, and had come to a Resolution thereon, which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

Resolved, That the Sum of £ 150 be paid Messrs. *John Chiswell* and *Thomas Walker* each, in Consideration of their Services as Commissioners appointed by the Governour to meet the *Cherokee* Indians on the Frontiers of this Colony.

Ordered, That the said Resolve be engrossed, and that Mr *Charles Carter* do carry it to the Council for their Concurrence.

A *Petition* of *Philip Whitehead Claiborne*, setting forth that the late Mrs. *Unity Dandridge* being seized of two Tracts of Land, one of 800 and the other of 400 Acres, in *Hanover*, and also of a Tract in *King William* of about 400 Acres, devised the same to her Daughter *Elizabeth*, the Petitioner's Wife, for Life, with Power to dispose thereof to her Children in Fee; that he conceives it would be greatly to the Advantage of himself and Family if he was allowed to sell the two Tracts in *Hanover*, and to settle a Tract whereof he is seized in Fee in *Amelia*, with some Slaves, to be disposed of by his Wife according to the Power given her by the Will of the said *Unity Dandridge*; and praying that an Act may pass for that Purpose.

Also a *Petition* of *John West*, setting forth that he is seized in Taille male of about 4000 Acres of Land in *King William*, contiguous to the Town of *Delawar*, commonly called *West Point*, from which, as he has but few Slaves, he receives but little Profit, and is greatly burthened with the Payment of Quitrents and Taxes for the same; that it would be greatly to the Advantage of himself and his Posterity, and also enable him to provide for younger Children, if he was permitted to dispose of Part of the said Land, and lay out the Money in the Purchase of Slaves, to be annexed to the Residue, to descend and pass therewith to the same Uses; and praying that an Act may pass for that Purpose.

Also a *Petition* of *William Todd*, setting forth that he is seized in Taille male of several Tracts of Land in *King* and *Queen*, and has but a small Number of Slaves to work the same; that he has agreed with *Bernard Moore*, Gentleman, to sell him 390 Acres, Part of the said entailed Lands, for £ 292-10s. with which he intends to purchase Slaves; and praying that an Act may pass to vest the said 390 Acres in the said *Bernard Moore* in Fee, and to lay out the Money in the Purchase of Slaves, to be settled to the same Uses as the said entailed Lands, were severally presented to the House and read.

Ordered, That Bills be brought in pursuant to the Prayers of the said Petitions, respectively; and it is referred to Mr *Pendleton* to prepare and bring in the same.

On a *Motion* made,

The *Bill* For further continuing the Regiment in the Service of this Colony was read a second Time, and ordered to be committed to a Committee of the whole House.

Resolved, That this House will resolve itself into a Committee on the said Bill Tomorrow.

A *Petition* of *Joseph Royle*, setting forth that by the Death of Mr *Hunter* the Office of Printer to the General Assembly is become vacant, and praying that he may be appointed to succeed him therein; assuring the House that he will exert himself on all Occasions to merit their Approbation, in despatching the publick Business; was presented to the House, and read.

Resolved, That the said *Joseph Royle* be appointed Printer to this House.

Resolved

Resolved, That the said *Joseph Royle* be allowed the Sum of £ 350 *per Annum*, to continue to the End of the next Session of Assembly, as a full Consideration for printing the Journals of the House of Burgesses, printing the Laws of each Session, and sending 13 Copies of them to every County Court Clerk, one of which to be half bound for the Use of the Court; printing Inspectors Notes and Books, Proclamations, and other publick Advertisements.

Ordered, That the said Resolve be engrossed, and that Mr *Attorney* do carry it up to the Council for their Concurrence.

A *Petition* of fundry Inhabitants of the Parish of *St. Anne*, in the County of *Albemarle*, setting forth that before the Lines were run for dividing the said County, pursuant to a late Act of Assembly, and without any Notice given, the Sheriff of the said County assembled a few of his Neighbours to elect a Vestry for the said Parish, and accordingly they elected a Vestry, several of whom were neither Freeholders nor Housekeepers there; and praying that the said Vestry may be dissolved, was presented to the House and read, and referred to the Consideration of the next Session of the Assembly.

On a *Motion* made,

The *Bill* To empower the Vestry of the Parish of *Hanover*, in the County of *King George*, to sell their present Glebe Lands, and to lay out the Money in the Purchase of a more convenient Glebe, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time

On a *Motion* made,

Ordered, That Mr *George Davenport* be appointed Clerk to the Committee of Privileges and Elections.

And then the House adjourned until Tomorrow Morning, Eleven o'Clock.

Friday, the 6th of November, 2 Geo. III. 1761.

MR *Attorney* reported that the Committee had, according to Order, waited on the Governour to know his Pleasure when this House should attend him with their Address; and that he was pleased to appoint this Day, and to say that he would signify by a Message to the House when he was ready to receive it.

Mr *Pendleton* presented to the House, according to Order, a Bill To vest certain Lands therein mentioned in *Philip Whitehead Claiborne*, Gentleman, in Fee Simple, and for settling other Lands and Slaves in Lieu thereof; and the same was read the first Time, and ordered to be read a second Time.

Mr *Landon Carter*, from the Committee appointed, presented to the House, according to Order, a Bill For regulating the Fees and Charges of Persons practicing in Physick, 12 Surgery and Midwifery, in this Colony; and the same was read the first Time, and ordered to be read a second Time.

Mr *Pendleton* presented to the House, according to Order, a Bill To dock the Entail of certain Lands whereof *John West*, Gentleman, is seized, and vest them in Trustees to be sold, and for laying out the Money in the Purchase of Slaves, to be settled to the same Uses.

Also a Bill To dock the Entail of certain Lands whereof *Mann Page*, Esq; is seized, and for settling other Lands and Slaves of greater Value to the same Uses; and the said Bills were severally read the first Time, and ordered to be read a second Time.

A *Petition* of fundry Inhabitants of the County of *Frederick*, setting forth that one *Peter Stover* had laid out a Parcel of his Lands in that County into Lots and Streets for a Town; and praying that an Act may pass for establishing a Town on the said Lands, was presented to the House and read.

Ordered, That it be an instruction to the Committee appointed to prepare and bring in a Bill For establishing the Town of *Staunton*, in the County of *Augusta*; that they receive a Clause or Clauses, pursuant to the Prayer of the said Petition.

A *Petition of Alexander Waugh, Junior*, setting forth that, being a Lieutenant in the Frontier Battalion in 1759, he was by his Honour the Governour appointed to recruit Men for the *Cherokee Expedition* in 1760, and having raised 40 able bodied Men marched them to the Place of Rendezvous; but being much fatigued in their March, by the excessive Heat of the Weather, and Major *Lewis*, then the Commanding Officer, being very strict in receiving Recruits, eight of the Men he had enlisted were refused; but on Colonel *Byrd's* Arrival at the Camp, and finding he received several Men refused by Major *Lewis*, the Petitioner endeavoured to retake the eight Men refused, but met with only two of them who were received: That the other six, to whom he had advanced the full Bounty of £ 10 each, besides being at the Expence of recruiting and subsisting them to the Place of Rendezvous, got entirely off; and praying that he may be reimbursed the said Bounty and other Expenses, deducting the Sum of £ 13, which has been since returned him by those Men, and which is all he has any Prospect of getting from them, was presented to the House and read.

Ordered, That the said Petition be referred to Mr *Pendleton*, Mr *Richard Henry Lee* and Mr *Taylor*; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

A *Petition of Michael Lynn*, setting forth that in the Year 1756, being one of the Militia detached from *Prince William* he was wounded in an Engagement with a Party of *Indians* on the *South Branch*, which has rendered him incapable of Labour, and that he has moreover been at considerable Expence in effecting a Cure, was presented to the House and read.

Ordered, That the said Petition be referred to Mr *Henry Lee* and Mr *William Cabell*; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

Several *Claims* of *William Tomlenion* and *Benjamin Clark*, for taking up Runaways therein mentioned, were presented to the House and received, and referred to the Consideration of the next Session of Assembly.

The *Order* of the Day being read for the House to resolve itself into a Committee on the Bill For further continuing the Regiment in the Service of this Colony.

Resolved, That this House will resolve itself into a Committee on the said Bill Tomorrow.

Ordered, That Mr *Woodbridge* be added to the Committee of Privileges and Elections.

On a *Motion* made,

The *Bill* To dock the Entail of certain Lands whereof *John West*, Gentleman, is seized, and vest them in Trustees, to be sold, and for laying out the Money in the Purchase of Slaves, to be settled to the same Uses, was read a second Time, and committed to Mr *Pendleton*, Mr *Braxton*, Mr *Baylor*, Mr *Armistead* and Mr *Richard Henry Lee*.

On a *Motion* made,

The *Bill* To vest certain Lands therein-mentioned in *Philip Whitehead Claiborne*, Gentleman, in Fee Simple, and for settling other Lands and Slaves in Lieu thereof, was read a second Time, and committed to Mr *Pendleton*, Mr *Moore*, Mr *Braxton*, Mr *Wythe*, Mr *Syme* and Mr *Greenhill*.

A *Message* from the Governour by Mr *Walthoe*.

Mr *Speaker*,

I am commanded by the Governour to acquaint this House that his Honour is now ready to receive their Address in the Council Chamber.

Mr *Speaker* with the House went up accordingly, and being returned reported that he, with the House, had attended the Governour in the Council Chamber, and presented the Address of this House to him, to which his Honour was pleased to return the following Answer:

Mr

Mr Speaker, and Gentlemen of the House of Burgeffes,

I return you my most sincere Thanks for your affectionate Address. To gain the Esteem of Mankind, I consider as the greatest Source of human Bliss; and if I have been so happy as to attain this, it shall be my constant Endeavours to preserve it, by a uniform Conduct of Integrity and Sincerety in my Administration of your Affairs: And you may be assured that I shall never ask any Thing of you but what I shall think conducive to his Majesty's Service and the Welfare of this Colony the two great Points I have chiefly at Heart.

And then the House adjourned until Tomorrow Morning, Eleven o'Clock.

Saturday, the 7th of November, 2 Geo. III. 1761.

MR *Pendleton* presented to the House, according to Order, a Bill To vest certain entailed Lands therein mentioned in *Bernard Moore*, Esq; in Fee Simple, and for laying out the Value thereof in Slaves, to be settled to the same Uses; and the same was read the first Time, and ordered to be read a second Time.

A *Petition* of Mr *John Baylis*, setting forth that by an Act passed the last Session of Assembly, For enlarging the Town of *Dumfries*, in the County of *Prince William*, Part of the Lands contiguous thereto, in the Possession of Mr *Bertrand Ewell*, were taken into the Limits of the said Town, and vested in the Trustees, and they were directed to pay the Money arising from the Sale thereof to the said *Ewell*; that he had purchased those Lands of one *George Hancock*, and mortgaged them to him for the Payment of the Purchase Money at a certain Day, who had assigned the said Mortgage to the Petitioner for a valuable Consideration paid him; and that the said *Ewell*, having failed paying the Money, the Petitioner had before the passing of the said Act brought his Bill in the General Court to foreclose the Equity of Redemption; and praying that, as he has no other Security for his Debt, an Act may pass directing the said Trustees either to retain the Money arising from the Sale of the said Lands in their own Hands, or put it out at Interest on good Security until the Determination of the said Suit in Chancery; was presented to the House and read.

Ordered, That a Bill or Bills be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Landon Carter* to prepare and bring in the same.

Mr *Pendleton* reported that the Committee to whom the Petition of *Alexander Waugh*, Junior, was referred had examined into the Allegations thereof, and found them to be true, and had agreed on a Report, and come to a Resolution thereon, which he read in his Place, and then delivered in at the Table, where the same were again twice read, and agreed to by the House, as follow:

It appears to your Committee that the said *Alexander Waugh* paid the six Men in his Petition mentioned the Sum of £ 10 each for the Bounty allowed by Law, and that he advanced the Sum of £ 13 for the Expence of recruiting them, and for their Subsistence from the Time of their Enlistment until they arrived at the Place of Rendezvous; that the said *Alexander Waugh* hath since received £ 13 in Part of the said Bounty Money from some of the said six Men, who nevertheless threaten to sue him for the Money so returned, insisting they are entitled to the same, as they were willing to serve, and were refused by the Commanding Officer.

Resolved, That the said *Alexander Waugh* ought to be paid the Sum of £60 by the Publick.

Mr *Attorney*, from the Committee of Privileges and Elections, reported that the Committee had had under their Consideration the Petition of Mr *John Clack*, to them referred, complaining of an undue Election and Return of Mr *Isaac Row Walton* to serve as a Burgess in this present General Assembly for the County of *Brunswick*, and had

had come to several Resolutions thereon, which he read in his Place, and then delivered in at the Table; where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Persons who voted at the said Election, whose Freeholds are questioned either by the Petitioner or the fitting Member, be examined on Oath before *John Willis, Nathaniel Edwards, Nicholas Edmunds, Drury Stith* and *John Maclin*, of the said County of *Brunswick*, Gentlemen, or any three of them, whether they be Freeholders or not, except such of them as did swear to their Freeholds at the said Election.

Resolved, That the Petitioner and fitting Member be at Liberty to examine Witnesses before the same Persons as to the Freehold of any Person who voted at the said Election, although such Persons swore to their Freeholds at the Election, or shall swear to them at the Examination; and that it be an Instruction to the Persons before whom such Examinations are taken to examine how long such Voters have been in Possession of, and paid Quitrents for, the Lands or Tenements in Right of which they voted at the Election, and that they return the Depositions they shall take to the next Session of Assembly.

Resolved, That the Petitioner give to the fitting Member ten Days Notice of the Time and Place when and where he intends to examine his Witnesses, also a List in Writing of the Names of the Voters he intends to except to, distinguishing against each Name the several Heads of Exception, and that the fitting Member do the like to the Petitioner.

Resolved, That the further Consideration of the said Petition be referred to the next Session of the Assembly.

Mr Attorney also reported that the said Committee had had under their Consideration the Petition of Mr *John Leigh*, complaining of an undue Election and Return of 15 Mr *Peter Legrand*, to serve as a Burgess in this present General Assembly, for the County of *Prince Edward*, to them referred, and had come to several Resolutions thereon, which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Persons who voted at the said Election, whose Freeholds are questioned either by the Petitioner or fitting Member, be examined on Oath before *John Nash* the elder, *Thomas Scott, John Morton, Henry Watkins* and *Abner Nash*, of the said County of *Prince Edward*, Gentlemen, or any three of them, whether they be Freeholders or not, except such of them as did swear to their Freeholds at the Election.

Resolved, That the Petitioner and fitting Member be at Liberty to examine Witnesses before the same Persons as to the Freehold of any Person who voted at the said Election, although such Persons swore to their Freeholds at the Election, or shall swear to the same at the Examination; and that it be an Instruction to the Persons before whom such Examinations are taken, to examine how long such Voters have been in Possession of, and paid Quitrents for, the Lands or Tenements in Right of which they voted at the Election, and that they return the Depositions they shall take to the next Session of Assembly.

Resolved, That the Petitioner give to the fitting Member ten Days Notice of the Time and Place when and where he intends to examine his Witnesses, also a List in Writing of the Names of the Voters he intends to except to, distinguishing against each Name the several Heads of Exception, and that the fitting Member do the like to the Petitioner.

Resolved, That the further Consideration of the said Petition be referred to the next Session of Assembly.

Mr Attorney also reported that the said Committee had likewise had under their Consideration the Petition of Mr *James Wallace* to them referred, complaining of an undue Election and Return of Mr *William Wager* to serve as a Burgess in this present General Assembly for the County of *Elizabeth City*, and had come to several Resolutions thereon, which he read in his Place, and then delivered in at the Table, where the same were again twice read, and agreed to by the House, as follow:

Resolved

Resolved, That the Persons who voted at the said Election, whose Freeholds are questioned either by the Petitioner or sitting Member, be examined on Oath before *John Tabb, Cary Selden, Charles Jennings, George Wray* and *James Balfour*, of the said County of *Elizabeth City*, Gentlemen, or any three of them, whether they be Freeholders or not, except such of them as did swear to their Freeholds at the Election.

Resolved, That the Petitioner and sitting Member be at Liberty to examine Witnesses before the same Persons as to the Freeholds or other Qualifications of any Person who voted at the said Election, although such Persons swore to their Freeholds at the Election, or shall swear to the same at the Examination; and that it be an Instruction to the Persons before whom such Examinations are to be taken to examine how long such Voters have been in Possession of, and paid Quitrents for, the Lands or Tenements in Right of which they voted at the Election, and that they return the Depositions they shall take to the next Session of Assembly.

Resolved, That the Petitioner give to the sitting Member ten Days Notice of the Time and Place and when and where he intends to examine his Witnesses, also a List in Writing of the Names of the Voters he intends to except to, distinguishing against each Name the several Heads of Exception; and that the sitting Member do the like to the Petitioner.

Resolved, That as well the Petitioner as the sitting Member be at Liberty to examine 16
Witnesses before the same Persons as to the Sheriff's Agreement to defer closing the Pole by the Consent of the Candidates, and afterwards to postpone it until Sunsetting; and as to his being informed, before he closed the Pole, that two Freeholders were then on their Way to the Court House, and the Distance they were from the Court House when the Pole was closed, and as to the Time when the Pole was closed; and also to examine the Reverend Mr *Warrington*, and the two Freeholders above mentioned, and any other Witnesses, on Oath, as to their Intentions and Declarations to vote for any and which of the Candidates.

Resolved, That the further Consideration of the said Petition be referred to the next Session of Assembly.

The *Order* of the Day being read,

The House resolved itself into a Committee on the Bill For further continuing the Regiment in the Service of this Colony; and after some Time spent therein Mr *Speaker* resumed the Chair, and Mr *Charles Carter* reported that the Committee had had the said Bill under their Consideration, and had made several Amendments thereto, which he read in his Place, and then delivered in at the Table, where they were again twice read and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

A *Petition* of the Honourable *Robert Carter*, Esq; setting forth that he is seized in Taille male of a Tract of Land called *Hudson's* of 500 Acres, on the Head of *Nomony* River, in the County of *Westmoreland*, on which he has made considerable Improvements; and that he is also seized in Fee of 6030 Acres of Land on *Bull Run*, in *Prince William* and *Loudoun* Counties: That it will be greatly to the Advantage of himself and Family to be enabled to sell the said Land called *Hudson's*, thereby to raise Money to discharge some Encumbrances on that and other entailed Estates of the Petitioner's, and to settle so much of the said *Bull Run* Tract in Lieu thereof as is of greater Value, exclusive of the said Improvements; and praying that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That a Bill be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Wythe* to prepare and bring in the same.

A Bill For appointing a Treasurer was read a second Time, and ordered to be committed to a Committee of the whole House immediately.

The

The Houfe accordingly refolved itfelf into the faid Committee, and after fome Time fpent therein Mr *Speaker* refumed the Chair, and Mr *Charles Carter* reported that the Committee had had the faid Bill under their Confideration, but, not having Time to go through the fame, they had directed him to move for Leave to fit again.

Refolved, That this Houfe will again refolve itfelf into a Committee on the faid Bill on *Monday* next.

A *Petition* of Mr *Henry Peyton*, complaining of an undue Election and Return of Mr *John Baylis* and Mr *Henry Lee*, to ferve as Burgeffes in this prefent General Affembly for the County of *Prince William*, was prefented to the Houfe and read.

Ordered, That the faid *Petition* be referred to the Committee of Privileges and Elections; that they examine into the Allegations thereof, and report the fame, with their Opinions thereon, to the Houfe.

Several *Claims* of *Thomas Chew*, *William Bell* and *John Mallory*, for taking up Runaways therein mentioned, were feverally prefented to the Houfe and received, and referred to the Confideration of the next Seffion of Affembly.

17 Mr *Christian* from the Committee appointed, prefented to the Houfe, according to Order, a Bill For eftablifhing the Town of *Staunton*, in the County of *Augufta*, and *New London*, in the County of *Bedford*, and *Strafburg* in the County of *Frederick*; and the fame was read the firft Time, and ordered to be read a fecond Time.

Mr *Wythe* prefented to the Houfe, according to Order, a Bill To dock the Entail of certain Lands whereof *Robert Carter*, Efq; is feized, and to fettle other Lands of greater Value to the fame Ufes; and the fame was read the firft Time, and ordered to be read a fecond Time.

And then the Houfe adjourned until Monday Morning, Eleven o'Clock.

Monday, the 9th of November, 2 Geo. III. 1761.

A *N Account and Claim* of Captain *Robert Brakenridge*, for the Pay of a Company of Militia draughted out of the County of *Augufta*, under his Command, was prefented to the Houfe and received.

Ordered, That the fame be referred to Mr *Wilfon* and Mr *Syme*; that they examine the feveral Articles thereof by the proper Vouchers, and report the fame, with their Opinions thereon, to the Houfe.

Mr *Landon Carter* prefented to the Houfe, according to Order, a Bill To explain and amend an Act, entitled *An Act for further enlarging the Town of Dumfries, in the County of Prince William*; and the fame was read the firft Time, and ordered to be read a fecond Time.

A *Petition* of *James Clarke*, fetting forth that the laft Year he enlisted (under recruiting Inftuctions from his Honour the Governour) upwards of 40 Men, to each of whom he advanced the £10 Bounty allowed by Law; that two of the faid Recruits were refused, and five others deferted, for whom the Paymafter refused to reimburse him the faid Bounty Money; and praying the Confideration of this Houfe therein, was prefented to the Houfe and read.

Ordered, That the faid *Petition* be referred to Mr *Attorney* and Mr *LeGrand*; that they examine into the Allegations thereof, and report the fame, with their Opinions thereon, to the Houfe.

Mr *Pendleton*, from the Committee to whom the Bill To dock the Entail of certain Lands whereof *John West*, Gentleman, is feized, and veft them in Truftees, to be fold, and for laying out the Money in the Purchase of Slaves, to be fettled to the fame Ufes, was committed, reported that the Committee had examined into the Allegations thereof, and found them to be true, but had made no Amendments thereto, and he delivered the faid Bill in at the Table.

Ordered

Ordered, That the said Bill be engrossed, and read a third Time.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To empower the Common Hall of the City of *Williamsburg* to assess such Taxes, from Time to Time, on the Inhabitants thereof, as shall be sufficient to answer all Charges and Expenses for publick Buildings and other Conveniencies; and it is referred to Mr *Attorney* to prepare and bring in the same.

On a *Motion* made,

Ordered, That Mr *Jacob Wray* be added to the Commissioners, named in *Saturday's* Resolution from the Committee of Privileges and Elections, for taking Depositions relative to Mr *James Wallace's* Petition, complaining of an undue Election and Return of Mr *William Wager* to serve as a Burgess in this present General Assembly for the County of *Elizabeth City*.

The *Order* of the Day being read,

The House again resolved itself into a Committee on the Bill For appointing a Treasurer; and after some Time spent therein Mr *Speaker* resumed the Chair and Mr *Charles Carter* reported that the Committee had had the said Bill under their further Consideration, and gone through the same, and had made an Amendment thereto, which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House.

Ordered, That the said Bill, with the Amendment engrossed and read a third Time.

A *Message* from the Governour by Mr *Walthoe*.

Mr *Speaker*,

The Governour has commanded me to deliver to your House an Address from the Officers of the Virginia Regiment, relative to their Memorial presented to the last Assembly in May 1760; also the Letters that his Honour has received this Fall from his Excellency General Sir Jeffrey Amherst; together with two Letters from Colonel Stephen, enclosing a Talk of some of the Headmen of the Cherokee Indians, which came to Hand Yesterday.

Ordered, That the said Letters lie on the Table, for the Perusal of the Members of this House.

And then the House adjourned until Tomorrow Morning, Eleven o'Clock.

Tuesday, the 10th of November, 2 Geo. III. 1761.

A Bill For regulating the Fees and Charges of Persons practising in Physick, Surgery and Midwifery, in this Colony, was read a second Time, and committed to Mr *Landon Carter*, Mr *Richard Lee*, Mr *Richard Henry Lee* and Mr *Walker*.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To enhance and more effectually to secure the Credit of the Paper Currency of this Colony; and it is referred to Mr *Richard Henry Lee* and Mr *Wythe* to prepare and bring in the same.

A *Claim* of *John Camp*, Executor of *George Camp*, deceased, for Provisions furnished by the Testator for fundry tributary *Indians*, was presented to the House and received, and referred to the Consideration of the next Session of Assembly.

Mr *Attorney*, from the Committee of Privileges and Elections, reported that the Committee had had under their Consideration the Returns of several Writs for electing Burgesses to serve in this present General Assembly, and had agreed on a Report and come to several Resolutions thereon, which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follows:

It appears to your *Committee*, by the Return of the Sheriff of *Norfolk*, that he could not proceed to the Election of Burgesses for the said County on the Day appointed for that Purpose, being obstructed therein by the very heavy Rains which fell about that Time, which carried away many Bridges over the Runs and Swamps in the said County,

And

and thereby prevented the Inhabitants thereof from attending at the Time and Place appointed for the said Election.

Resolved, That an Address be made to the Governour to order a new Writ to issue for the electing Burgeffes to serve in this present General Assembly for the said County of Norfolk.

¹⁹ *Resolved*, That the Returns of the several Writs for electing Burgeffes for the Counties of Albemarle, Amelia, Augusta, Amherst, Accomack, Bedford, Buckingham, Chesterfield, Cumberland, Culpeper, Caroline, Charles City, Dinwiddie, Effex, Fairfax, Fauquier, Frederick, Gloucester, Goochland, Hanover, Hampshire, Halifax, Henrico, Isle of Wight, James City, King William, King and Queen, Louisa, Lancaster, Lunenburg, Middlesex, New Kent, Nansemond, Northumberland, Northampton, Prince George, Prince William, Prince Edward, Richmond, Stafford, Southampton, Surry, Spotsylvania, Suffex, and York, and the Returns of the Writs for electing Burgeffes for James Town and the Borough of Norfolk, and the Return of the Writ for electing a Citizen for the City of Williamsburg, are made in the Form prescribed by Law.

Resolved, That the Returns of the several Writs for electing Burgeffes for the Counties of Brunswick, Elizabeth City, King George, Loudoun, Orange, Princess Anne, Warwick and Westmoreland, and the Return of the Writ for electing a Burgefs for the College of William and Mary, are not made in the Form prescribed by Law.

Ordered, That the Returns of the several Writs mentioned in the last Resolution be amended by the Clerk at the Table.

A Bill To dock the Entail of certain Lands whereof Mann Page, Esq; is seized, and for settling other Lands and Slaves of greater Value to the same Uses; was read a second Time, and committed to Mr Attorney, Mr Syme, Mr Grymes, Mr Upshaw, and the Members for King William.

Mr Attorney presented to the House, according to Order, a Bill To empower the Common Hall of the City of Williamsburg to assess such Taxes, from Time to Time, on the Inhabitants thereof, as shall be sufficient to answer all Charges and Expenses for publick Buildings and other Conveniencies; and the same was read the first Time, and ordered to be read a second Time.

The several Letters Yesterday laid before the House, by Command of his Honour the Governour, were read.

An ingrossed Bill, entitled *An Act for further continuing the Regiment in the Service of this Colony*, was read the third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr Charles Carter do carry up the said Bill to the Council for their Concurrence.

A Claim of John Caldwell, for six Days Hire of his Wagon and Horses, employed in the Service of the Publick, was presented to the House and received.

Ordered, That the said Claim be referred to Mr LeGrand and Mr Tabb; that they examine into the Justice thereof, and report the same, with their Opinions thereon, to the House.

And then the House adjourned until Tomorrow Morning Eleven o'Clock.

Wednesday, the 11th of November, 2 Geo. III. 1761.

A Claim of Levin Powell, Assignee of William Atterbury, for taking up a Runaway therein mentioned, was presented to the House and received, and referred to the Consideration of the next Session of Assembly.

A Bill To vest certain Lands therein mentioned in Bernard Moore, Esq; in Fee Simple, and for laying out the Value thereof in Slaves, to be settled to the same Uses, was read a second Time, and committed to Mr Richard Henry Lee, Mr Adam and Mr Armistead.

Mr

Mr *Richard Henry Lee*, from the Committee appointed, presented to the House, according to Order, a Bill To enhance, and more effectually to secure, the Credit of the Paper Currency of this Colony; and the same was read the first Time, and ordered to be read a second Time.

Mr *Landon Carter*, from the Committee to whom the Bill For regulating the Fees and Charges of Persons practising in Physick, Surgery and Midwifery, in this Colony, was committed, reported that the Committee had made several Amendments thereto, which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to by the House.

Ordered, That the Bill with the Amendments be engrossed, and read a third Time.

A Bill To dock the Entail of certain Lands whereof *Robert Carter*, Esq; is seized, and to settle other Lands of greater Value to the same Uses, was read a second Time, and committed to Mr *Wythe* and the Members of *Westmoreland*, *Loudoun*, *Fauquier* and *Prince William*.

Mr *Attorney*, from the Committee of Privileges and Elections, reported that the Committee had had under their Consideration the Petition of Mr *Henry Peyton* to them referred, complaining of an undue Election and Return of Mr *John Baylis* and Mr *Henry Lee* to serve as Burgesses in this present General Assembly for the County of *Prince William*, and had come to two Resolutions thereon, which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follows:

Resolved, That the said Petition be examined into before the Committee of the next Session of Assembly, and that the Petitioner do some Time before the next Session of Assembly give to the fitting Members a List in Writing of the Names of the Voters he intends to except to, distinguishing against each Name the several Heads of Exception, and that the fitting Member do the like to the Petitioner.

Resolved, That the further Consideration of the said Petition be referred to the next Session of Assembly.

Mr *Attorney* also reported that the Committee to whom the Petition of *James Clark* was referred had examined into the Allegations thereof, and found them to be true, and had come to two Resolutions thereon, which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the said *James Clark* ought to be allowed for *John Blunt* and *Joseph Owen*, two of the Recruits in the said Petition mentioned, who were refused, the Sum of £10 each, being the Bounty advanced by him to them, and the further Sum of 30s. each, being the Money allowed by Law for subsisting them to the Place of Rendezvous.

Resolved, That the said *James Clark* ought to apply to his Honour the Governour for the Bounty Money and Expenses he was at in recruiting the five other Soldiers in the said Petition mentioned, who deserted before they arrived at the Place of Rendezvous.

Ordered, That Mr *Hutchings* wait on his Honour the Governour with the Address of this House, to desire he will order a new Writ to issue for the electing of Burgesses to serve in this present General Assembly for the County of *Norfolk*, pursuant to the Resolution of the Committee of Privileges and Elections, agreed to by the House Yesterday.

A Petition of *James Galt*, Keeper of the publick Gaol, praying that the usual Salary for the Maintenance of Criminals committed to the said Gaol, which will expire at the End of this Session of Assembly, may be continued, was presented to the House and read.

Resolved, That the additional Sum of £15 be paid to the said *James Galt* every Year, over and above his usual Salary of £25.

Resolved, That 10 lb. of Tobacco per Day be allowed the said *James Galt* for every Criminal committed to the said Gaol, during such Criminal's Imprisonment, from this Time to the End of the next Session of Assembly.

Mr *LeGrand* reported that the Committee to whom the Claim of *John Caldwell* was referred had examined into the same, and found it to be just, and had come to a Resolution

tion thereon, which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

Resolved, That the said *John Caldwell* ought to be allowed the Sum of £3. 18s. for the Service of his Team, to be paid by the Publick.

A *Memorial* of the Officers of the *Virginia* Regiment, to the same Purport as that presented to the House at a Session of Assembly the 7th of *March*, 1760, and praying the Consideration of the House therein, and that a Provision may be made for their Support when the Regiment shall be disbanded.

Also a *Memorial* of Mr *William Peachey*, setting forth that he entered into the Service of this Colony as an Officer in the Regiment in *September* 1755, and continued in the Service until *February* 1760, during which Time, and especially for the two last Years, he spent a great Deal more Money than the whole Amount of his Pay, which was not sufficient to support him in the Rank of the Commission he bore, and praying the Consideration of the House therein, were severally presented to the House and read.

Ordered, That the said Memorials be referred to the Consideration of the next Session of Assembly.

An engrossed *Bill*, entitled, *An Act to dock the Entail of certain Lands whereof John West Gentleman, is seized, and vest them in Trustees, to be sold, and for laying out the Money in the Purchase of Slaves, to be settled to the same Uses*, was read the third Time, and the Blanks therein filled up.

Resolved, That the Bill do pass.

Ordered, That Mr *Richard Henry Lee* do carry up the said Bills to the Council for their Concurrence.

Ordered, That Mr *Tabb* be added to the Committee to whom the Bill To vest certain Lands therein mentioned in *Philip Whitehead Claiborne*, Gentleman, in Fee Simple, and for settling other Lands and Slaves in Lieu thereof, is committed.

A *Bill* For establishing the Towns of *Staunton*, in the County of *Augusta*, and *New London*, in the County of *Bedford*, and *Straßburg*, in the County of *Frederick*, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

An engrossed *Bill*, entitled, *An Act to empower the Vestry of the Parish of Hanover, in the County of King George, to sell their present Glebe Lands, and to lay out the Money in the Purchase of a more convenient Glebe*, was read the third Time.

Resolved, That the Bill do pass.

Ordered, That Mr *Charles Carter* carry up the said Bill to the Council for their Concurrence.

A *Bill* To empower the Common Hall of the City of *Williamsburg* to assess such Taxes, from Time to Time, on the Inhabitants thereof, as shall be sufficient to answer all Charges and Expenses for publick Buildings and other Conveniences.

22 Also a *Bill* To explain and amend an Act for further enlarging the Town of *Dumfries*, in the County of *Prince William*, were severally read a second Time.

Ordered, That the said Bills be engrossed, and read a third Time.

And then the House adjourned until Tomorrow Morning, Eleven o'Clock.

Thursday, the 12th of November, 2 Geo. III. 1761.

MR *Wilson* reported that the Committee to whom the Claim of *Robert Brackenridge*, late a Captain of a Company of Militia of the County of *Augusta*, ordered out in actual Service, in behalf of himself and the Officers and private Men of the said Company, was referred, had examined into the same, and come to a Resolution thereon, which he read in his Place and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

Resolved

¹ Hening, VII, p. 488.

² *Ibid.*, VII, p. 471

Resolved, That the Sum of £251-18^s. is due to the said Company of Militia, at the Rate allowed by Law, for the Time they continued in actual Service, which ought to be paid by the Publick.

A *Message* from the Council by M^r *Walthoe*.

That they have agreed to the Bill, entitled, An Act¹ for further continuing the Regiment in the Service of this Colony.

Also to the Bill, entitled, An Act² to empower the Vestry of the Parish of Hanover, in the County of King George, to sell their present Glebe Lands, and lay out the Money in the Purchase of a more convenient Glebe.

Also to the Bill, entitled, An Act³ to dock the Entail of certain Lands whereof John West, Gentleman, is seized, and vest them in Trustees, to be sold, and for laying out the Money in the Purchase of Slaves, to be settled to the same Uses.

Also to the several Resolves of this House for paying Joseph Royle, Printer, a Salary of £ 350 per Annum.

And for paying Mess. John Chiswell and Thomas Walker the Sum of £ 150 each, for the Services therein-mentioned.

An engrossed Bill, entitled, An Act⁴ to empower the Common Hall of the City of Williamsburg to assess such Taxes, from Time to Time, on the Inhabitants thereof, as shall be sufficient to answer all Charges and Expenses for publick Buildings and other Conveniences, was read a third Time.

Resolved, That the Bill do pass.

Ordered, That M^r *Attorney* do carry up the said Bill to the Council for their Concurrence.

M^r *Wythe* reported that the Committee to whom the Bill To vest certain Lands therein mentioned in *Philip Whitehead Claiborne*, Gentleman, in Fee Simple, and for settling other Lands and Slaves in Lieu thereof, was committed, had examined into the Allegations thereof, and found them to be true, and he delivered the said Bill in at the Table; and an Amendment being proposed to the said Bill, and agreed to.

Ordered, That the said Bill, with the Amendment, be engrossed, and read a third Time.

M^r *Henry Lee* reported that the Committee to whom the Petition of *Michael Lynn* ²³ was referred had examined into the Allegations thereof, and found them to be true, and had come to a Resolution thereon, which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to, as follows:

Resolved, That the said *Michael Lynn* ought to be allowed the Sum of £ 15, to be paid by the Publick, as a full Satisfaction for the Wounds he received in an Engagement with the *Indians* on the South Branch of *Potomack*, in the Year 1756, and for the Expence he was at in curing the same.

M^r *Attorney* reported that the Committee to whom the Bill To dock the Entail of certain Lands whereof *Mann Page*, Esq; is seized, and for settling other Lands and Slaves of greater Value to the same Uses, was committed, had examined into the Allegations thereof, and found them to be true, and he delivered the Bill in at the Table.

Ordered, That the said Bill be engrossed, and read a third Time.

An engrossed Bill, entitled, An Act⁵ to explain and amend an Act, entitled, An Act for further enlarging the Town of Dumfries, in the County of Prince William, was read the third Time.

Resolved, That the Bill do pass.

Ordered, That M^r *Landon Carter* do carry up the said Bill to the Council for their Concurrence.

A *Claim* of *Richard Oglefby*, for taking up a Slave therein mentioned, was presented to the House and received, and referred to the Consideration of the next Session of Assembly.

The

¹ Hening, VII, p. 463.

³ *Ibid.*, VII, p. 488.

⁵ *Ibid.*, VII, p. 472.

² *Ibid.*, VII, p. 471.

⁴ *Ibid.*, VII, p. 469.

The House being informed that *Howson Hooe*, Gentleman, Sheriff, and *Levin Powell*, Sub Sheriff, of the County of *Prince William*, did in the Execution of their Office, at the late Election of Burgeffes for the said County, behave in most Instances of their Conduct throughout the whole Election illegally and unjustly, contrary to the Trust reposed in them, and acted with the greatest Partiality in taking the Poll:

Ordered, That the said Information be referred to the Consideration of the Committee of Privileges and Elections; that they examine into the Matter thereof, and report the same, with their Opinion thereon, to the House.

A Bill To enhance, and more effectually to secure, the Credit of the Paper Currency of this Colony, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

An engrossed Bill, entitled, *An Act for establishing the Towns of Staunton, in the County of Augusta, and New London, in the County of Bedford, and Strasburg, in the County of Frederick*, was read the third Time, and the Blanks therein filled up.

Resolved, That the Bill do pass.

Ordered, That Mr Attorney do carry up the said Bill to the Council for their Concurrence.

A Message from the Council by Mr Walthoe.

That they have agreed to the Bill, entitled, An Act to empower the Common Hall of the City of Williamsburg to assess such Taxes, from Time to Time, on the Inhabitants thereof, as shall be sufficient to answer all Charges and Expenses for publick Buildings and other Conveniences, with some Amendments, to which they desire the Concurrence of this House.

And that they have agreed to the Bill, entitled An Act to explain and amend an Act, entitled, An Act for further enlarging the Town of Dumfries, in the County of Prince William, without any Amendment.

24 The House immediately proceeded to the Consideration of the Amendments proposed by the Council to the Bill above mentioned, and the same being read were agreed to.

Ordered, That Mr Attorney do go up with a Message to the Council, and acquaint them therewith.

On a Motion made,

Ordered, That Leave be given to bring in a Bill For paying the Burgeffes Wages in Money for this present Session of Assembly, and it is referred to Mr Cary and Mr Charles Carter, Junior, to prepare and bring in the same.

An engrossed Bill, entitled, *An Act for appointing a Treasurer*, was read a third Time, and the Blanks therein filled up.

Resolved, That the Bill do pass.

Ordered, That Mr Charles Carter do carry up the said Bill to the Council for their Concurrence.

And then the House adjourned until Tomorrow Morning, Eleven o'Clock.

Friday. the 13th of November. 2 Geo. III. 1761.

A Petition of fundry Inhabitants of the Parish of *Truro*, in the County of *Fairfax*, in opposition to a Petition for dividing the said Parish, was presented to the House and read.

Resolved, That the said Petition be referred to the Consideration of the next Session of Assembly.

Several Claims of *John Gladdin* and *Nathaniel Crawley*, for taking up Runaways therein mentioned, were presented to the House and received, and referred to the Consideration of the next Session of Assembly.

Mr

¹ Hening, VII, p. 473.

² *Ibid.*, VII, p. 469.

³ *Ibid.*, VII, p. 472.

⁴ *Ibid.*, VII, p. 466.

Mr *Wythe*, from the Committee to whom the Bill To dock the Entail of certain Lands whereof *Robert Carter*, Esq; is seized, and to settle other Lands of greater Value to the same Uses, was committed, reported that the Committee had examined into the Allegations of the said Bill, and found them to be true, and had made several Amendments thereto, which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to by the House.

Ordered, That the Bill with the Amendments be engrossed, and read a third Time.

Mr *Richard Henry Lee* reported that the Committee to whom the Bill To vest certain entailed Lands therein mentioned in *Bernard Moore*, Esq; in Fee Simple, and for laying out the Value thereof in Slaves, to be settled to the same Uses, was committed, had examined into the Allegations of the said Bill, and found them to be true, and he delivered the said Bill in at the Table.

Ordered, That the said Bill be engrossed, and read a third Time.

An engrossed Bill, entitled, *An Act to dock the Entail of certain Lands whereof Mann Page*, Esq; is seized, and for settling other Lands and Slaves of greater Value to the same Uses, was read a third Time.

Resolved, That the Bill do pass.

Ordered, That Mr *Charles Carter* do carry up the said Bill to the Council for their Concurrence.

Mr *Cary* presented to the House, according to Order, a Bill For paying the Burgeesses Wages in Money for this present Session of Assembly; and the same was read the first Time, and ordered to be read a second Time.

An engrossed Bill, entitled, *An Act to enhance, and more effectually to secure, the credit of the Paper Currency of this Colony*, was read the third Time, and the Blanks therein filled up.

Resolved, That the Bill do pass.

Ordered, That Mr *Richard Henry Lee* do carry up the said Bill to the Council for their Concurrence.

A Message from the Governour was delivered by Mr *Walthoe*.

Mr *Speaker*,

The Governour has commanded me to deliver to your House a Letter he had just received from the Honourable William Byrd, Esq;

And the said Letter was read, and ordered to lie on the Table.

A Petition of *John Broadrib*, eldest Son of *Benjamin Broadrib*, deceased, to be Doorkeeper to this House, praying that he may be appointed to succeed his said Father in that Office, was presented to the House and read; and thereon

Ordered, That the said *John Broadrib* be appointed a Doorkeeper to this House, and that he give his Attendance accordingly.

An engrossed Bill, entitled, *An Act to vest certain Lands therein mentioned in Philip Whitehead Claiborne, Gentleman, in Fee Simple, and for settling other Lands and Slaves in Lieu thereof*, was read the third Time.

Resolved, That the Bill do pass.

Ordered, That Mr *Wythe* do carry up the said Bill to the Council for their Concurrence.

Ordered, That a Committee be appointed to examine the enrolled Bills of the following Persons: Mr *Carrington*, Mr *Claiborne*, Mr *Cabel*, and Mr *Henry Lee*.

An engrossed Bill, entitled, *An Act to vest certain entailed Lands therein mentioned in Bernard Moore*, Esq; in Fee Simple, and for laying out the Value thereof in Slaves, to be settled to the same Uses, was read the third Time, and the Blanks therein filled up.

Resolved, That the Bill do pass.

Ordered, That Mr *Richard Henry Lee* do carry up the said Bill to the Council for their Concurrence.

On a Motion made,

Resolved

Hening, VII, p. 480.

² Ibid., VII, p. 465.

³ Ibid., VII, p. 486.

⁴ Ibid., VII, p. 483.

Resolved, That the feveral Sums following be paid to the feveral Officers of the General Affembly, refpectively:

To <i>John Randolph</i> , Efq; Clerk of the Houfe of Burgeffes	£90
To <i>Nathaniel Walthoe</i> , Efq; Clerk of the General Affembly	40
To the Reverend Mr <i>Yates</i> , Chaplain	20
To Mr <i>George Davenport</i> , Clerk of the Committee of Privileges and Elections	30
To Mr <i>Francis Eppes</i> , Sergeant at Arms	30
To the Doorkeeper of the Council	6
To <i>John Broadrib</i> ..	Doorkeepers to the Houfe .. { 6 6 6 6
To <i>James Lavie</i>	
To <i>Thomas Francis</i> ..	
To <i>Nathaniel Hix</i> ..	

Ordered, That the faid Refolve be engroffed, and that Mr *Richard Henry Lee* do carry it up to the Council for their Concurrence.

A Meffage from the Council by Mr *Walthoe*.

That they have agreed to the Bill, entitled, An Act¹ to enhance, and more effectually to fecure, the Credit of the Paper Currency of this Colony.

Alfo to the Bill, entitled, An Act² to veft certain Lands therein mentioned in Philip Whitehead Claiborne, Gentleman, in Fee Simple, and for fettling other Lands and Slaves in Lieu thereof, without any Amendments.

²⁶ *And that they have agreed to the Bill, entitled, An Act³ for eftablifhing the Towns of Staunton, in the County of Augufta, and New London, in the County of Bedford, and Strafburg, in the County of Frederick, with an Amendment, to which they defire the Concurrence of this Houfe.*

The Houfe immediately proceeded to the Confideration of the faid Amendment, and the fame being read was agreed to.

Ordered, That Mr *Attorney* do go up with a Meffage to the Council, and acquaint them therewith.

An engroffed *Bill*, entitled, *An Act⁴ to dock the Entail of certain Lands whereof Robert Carter, Efq; is feized, and to settle other Lands of greater Value to the fame Ufes*, was read a third Time.

Resolved, That the Bill do pafs.

Ordered, That Mr *Wythe* do carry up the faid Bill to the Council for their Concurrence.

A *Bill* For paying the Burgeffes Wages in Money for this prefent Seffion of Affembly was read a fecond Time, and committed to Mr *Richard Henry Lee* and Mr *Cary*.

And then the Houfe adjourned until Tomorrow Morning, Eleven o'Clock.

Saturday, the 14th day of November, 2 Geo. III. 1761.

A Meffage from the Council by Mr *Walthoe*.

That they have agreed to the Bill, entitled, An Act⁵ for appointing a Treafurer.

Alfo to the Bill, entitled, An Act⁶ to dock the Entail of certain Lands whereof Mann Page, Efq; is feized, and for fettling other Lands and Slaves of greater Value to the fame Ufes.

Alfo to the Bill, entitled, An Act⁷ to dock the Entail of certain Lands whereof Robert Carter, Efq; is feized, and to settle other Lands of greater Value to the fame Ufes.

Alfo

¹ Hening, VII, p. 465.

³ *Ibid.*, VII, p. 473.

⁵ *Ibid.*, VII, p. 466.

⁷ *Ibid.*, VII, p. 478.

² *Ibid.*, VII, p. 486.

⁴ *Ibid.*, VII, p. 478.

⁶ *Ibid.*, VII, p. 480.

Also to the Bill, entitled, An Act¹ to vest certain entailed Lands therein mentioned in Bernard Moore, Esq; in Fee Simple, and for laying out the Value thereof in Slaves, to be settled to the same Uses.

Also to the Resolve For paying the Officers Salaries for this present Session of Assembly.

Several Claims of Charles Reeve, William Symmonds, Joseph Warwick and Samuel Meredith, for taking up Runaways therein mentioned, were severally presented to the House and received, and referred to the Consideration of the next Session of Assembly.

Mr Cary, from the Committee to whom the Bill For paying the Burgeffes Wages in Money for this present Session of Assembly, was committed, reported that the Committee had made several Amendments thereto, which he read in his Place and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to by the House.

Ordered, That the Bill with the Amendments be engrossed, and read a third Time.

An engrossed Bill, entitled, *An Act² for paying the Burgeffes Wages in Money for this present Session of Assembly*, was read the third Time.

Resolved, That the Bill do pass.

Ordered, That Mr Cary do carry up the said Bill to the Council for their Concurrence.

On a Motion made,

Resolved, That the Burgeffes for the County of Amherst be allowed for six Days, for Buckingham five, and for Fauquier four Days, for travelling to and from the General Assemblies.

A Message from the Council by Mr Walthoe.

That they have agreed to the Bill, entitled, An Act³ for paying the Burgeffes Wages in Money for this present Session of Assembly.

Mr Carrington reported that the Committee appointed had, according to Order, examined the enrolled Bills, and rectified such Mistakes as were found therein, and they were truly enrolled.

Ordered, That Mr Carrington do carry up the enrolled Bills to the Council, for their Inspection.

A Message from the Council by Mr Walthoe.

That they have inspected the enrolled Bills, and are satisfied they are truly enrolled.

A Message from the Governour was delivered by Mr Walthoe.

Mr Speaker, and Gentlemen of the House of Burgeffes,

The Governour commands your immediate Attendance in the Council Chamber, and that you bring with you such Bills and Resolves as are ready for his Assent.

Mr Speaker with the House went up accordingly, and the Governour was pleased to give his Assent to the following Bills:

1. ⁴*An Act for further continuing the Regiment in the Service of this Colony.*
2. ⁵*For appointing a Treasurer.*
3. ⁶*To enhance, and more effectually to secure, the Credit of the Paper Currency of this Colony.*
4. ⁷*For establishing the Town of Staunton, in the County of Augusta; and New London, in the County of Bedford; and Strasburg, in the County of Frederick.*
5. ⁸*To empower the Common Hall of the City of Williamsburg to assess such Taxes, from Time to Time, on the Inhabitants thereof, as shall be sufficient to answer all Charges and Expenses for publick Buildings and other Conveniencies.*

For

¹ Hening, VII, p. 483.

² *Ibid.*, VII, p. 476.

³ *Ibid.*, VII, p. 466.

⁴ *Ibid.*, VII, p. 473.

⁵ *Ibid.*, VII, p. 476.

⁶ *Ibid.*, VII, p. 463.

⁷ *Ibid.*, VII, p. 465.

⁸ *Ibid.*, VII, p. 469.

6. ¹For paying the Burgeffes Wages in Money for this present Session of Assembly.

7. ²To empower the Vestry of the Parish of Hanover, in the County of King George, to sell their present Glebe Lands, and to lay out the Money in the Purchase of a more convenient Glebe.

8. ³To dock the Entail of certain Lands whereof Robert Carter, Esq; is seized, and to settle other Lands of greater Value to the same Uses.

9. ⁴To vest certain entailed Lands therein mentioned in Bernard Moore, Esq; in Fee-Simple, and for laying out the Value thereof in Slaves, to be settled to the same Uses.

10. ⁵To dock the Entail of certain Lands whereof Mann Page, Esq; is seized, and for settling other Lands and Slaves of greater Value to the same Uses.

11. ⁶To vest certain Lands therein-mentioned in Philip Whitehead Claiborne, Gentleman, in Fee-Simple, and for settling other Lands and Slaves in Lieu thereof.

12. ⁷To dock the Entail of certain Lands whereof John West, Gentleman, is seized, and vest them in Trustees, to be sold, and lay out the Money in the Purchase of Slaves, to be settled to the same Uses.

13. ⁸To explain and amend an Act, entitled, An Act for further enlarging the Town of Dumfries, in the County of Prince William.

The Governour also gave his Assent to the following Resolves:

1. A Resolve For paying the Officers Salaries for this present Session of Assembly.

2. A Resolve for paying Joseph Royle, Printer, a Salary of £350 per Annum.

3. A Resolve For paying Mefs. John Chiswell and Thomas Walker the Sum of £150 each, for the Services therein-mentioned.

And then his Honour was pleased to close the Session with the following Speech:

Gentlemen of the Council, M^r Speaker, and Gentlemen of the House of Burgeffes,

Having given my Assent to all the Bills you have prepared for me, I shall now dismiss you; after giving you my Assurance that I will dispose of the Regiment agreeably to the Act now passed for that Purpose. I shall order the Accounts of the Provision and Carriage for the Year 1760 to be got ready for Colonel Byrd to present to the General, as he proposes; and shall write to Them both to endeavor to procure the Payment thereof.

M^r Speaker, and Gentlemen of the House of Burgeffes,

It is necessary for me to explain a Part of my Conduct towards your House, which was the sending down all the Letters I had received from Sir Jeffery Amherst relating to this Campaign, after you had taken the Matter of his last Letter into your Consideration. I did this to obviate a false and scandalous Rumour, which has too much prevailed without Doors, that I had received a Letter from Sir Jeffery Amherst, in which he had given up our Regiment, as having no more Use for it, though I did not think proper to produce the Letter. For Fear this should have any Influence on your Deliberations, and obstruct your good Intentions to comply with the Desires of the General, I thought it proper to take this Step. Reports of such a Nature tend to alienate the Minds of his Majesty's Subjects from him and his Government, and are of a most pernicious Consequence: I therefore hope you will always discourage and discountenance the Authors and Propagators of such false News. And I can with Justice appeal to yourselves whether you have, at any Time, found me backward in communicating any Thing to you which could give you any Insight into the Business I recommended to your Consideration.

Gentlemen of the Council and of the House of Burgeffes,

There is Nothing left for me now to do but to prorogue you, and you are accordingly prorogued to Thursday the 10th of December next.

¹ Hening, VII, p. 476.

³ Ibid., VII, p. 478.

⁵ Ibid., VII, p. 480.

⁷ Ibid., VII, p. 488.

² Ibid., VII, p. 471.

⁴ Ibid., VII, p. 483.

⁶ Ibid., VII, p. 486.

⁸ Ibid., VII, p. 472.

JOURNAL

of the

HOUSE OF BURGESSES

1762

January Session

Burgeffes.

Accomac	Thomas Parramore Southey Simpson	Hanover	John Syme Nathaniel West Danridge
Albemarle	Thomas Walker John Fry	Henrico	Philip Mayo Bowler Cocke
Amelia	David Greenhill Thomas Tabb	Isle of Wight	James Bridger Joseph Bridger
Amherft	William Cabell Cornelius Thomas	James City	Lewis Burwell Philip Johnfon
Augusta	Israel Chriftian John Wilfon	Jameftown	Edward Champion Travis
Bedford	William Callaway John Talbot	King & Queen	*John Robinfon John Pendleton
Brunfwick	Ifaac Rowe Walton William Thornton	King George	Charles Carter Charles Carter, Jr.
Buckingham	Robert Bolling Joseph Cabell	King William	Bernard Moore Carter Braxton
Caroline	*Edmund Pendleton John Baylor	Lancafter	Charles Carter Richard Mitchell
Charles City	Benjamin Harrifon William Kennon	Loudoun	Francis Lightfoot Lee James Hamilton
Chefterfield	*Archibald Cary Richard Eppes	Louifa	William Johnfon Thomas Johnfon
The College	Mann Page	Lunenburg	Clement Reade Henry Blagrove
Culpeper	James Barbour John Field	Middlefex	John Smith *Ralph Wormeley
Cumberland	*George Carrington *John Fleming	Nanfemond	Leonard Riddick Willis Riddick
Dinwiddie	Robert Bolling Leonard Claiborne, Jr.	New Kent	Gill Armistead Richard Adams
Elizabeth City	*George Wythe *William Wager	Norfolk	William Bradley Thomas Veal
Effex	John Upshaw John Lee	Norfolk Borough	Joseph Hutchings
Fairfax	George Johnfton John Weft	Northampton	John Harmanfon Thomas Dalby
Fauquier	Thomas Marfhall Thomas Harrifon	Northumberland	Richard Hull Spencer Ball
Frederick	George Wafhington *George Mercer	Orange	James Taylor James Walker
Gloucefter	John Page Thomas Whiting	Prince Edward	Peter Legrand Abner Nafh
Goochland	John Payne Jofias Payne	Prince George	*Richard Bland Richard Bland, Jr.
Halifax	Nathaniel Terry Robert Wade	Prince William	Henry Lee John Baylis
Hampfhire	James Keith Thomas Rutherford	Princels Anne	Anthony Walke Edward Hack Mofeley
		Richmond	Landon Carter John Woodbridge

*Not fhown by the Journal to have been prefent during the Affembly.

Southampton	Joseph Gray Benjamin S. Symmons	Warwick	*William Digges William Harwood
Spotfylvania	Fielding Lewis *Benjamin Grymes	Westmoreland	*Richard Henry Lee Richard Lee
Stafford	William Fitzhugh Thomas L. Lee	Williamsburg	*Peyton Randolph
Surry	Hartwell Cocke Henry Browne	York	Dudley Digges Thomas Nelson, Jr.
Suffex	David Mafon John Edmunds		

*Not shown by the Journal to have been present during the Affembly.

Changes in the Perfonnel, 1762.

January Seffion.

Henrico	Philip Mayo succeeded William Randolph
King & Queen	John Pendleton fucceeded George Braxton
Northampton	Richard Hull fucceeded Presley Thornton

JOURNAL

of the

HOUSE OF BURGESSES

Thursday, the 14th of January, 2 Geo. III. 1762.

A Message from the Governour was delivered by Mr Walthoe.

Mr Speaker, and Gentlemen of the House of Burgesfes,
The Governour commands the immediate Attendance of your House in the Council Chamber.

Accordingly Mr Speaker, with the House, went up to attend the Governour.

And being returned, reported that he, with the House, had attended the Governour in the Council Chamber, where his Honour had been pleased to make a Speech to the Council and this House, of which he had, to prevent Mistakes, obtained a Copy; which he read to the House, and afterwards delivered in at the Table, where it was again read, and is as follows:

Gentlemen of the Council, Mr Speaker, and Gentlemen of the House of Burgesfes,

My Duty to his Majesty, whose Servant I am, and my Attention to the Welfare of this Colony, over which I have the Honour to preside, have jointly conspired to induce me to call you together at this Time; that I might make you acquainted with the Steps I have taken towards the disbanding the Regiment, agreeably to the Act of Assembly passed last Session for that Purpose, and at the same Time communicate to you some Letters I have received on that Subject.

On the Rising of the last Session of Assembly, I immediately sent Orders to Colonel Stephen, the Officer Commandant, to march the Regiment inwards to Stahlnaker's, where I thought the Men could be more easily and plentifully provided for, than at their Camp at the Big Island, there to wait for the authentick Account I every Day expected to receive of the Conclusion of the Peace; and on the Receipt of a Letter from Colonel Stephen, giving me an Account that Conocotocho, or the Standing Turkey, the great Warriour of the Cherokees, was arrived in his Camp with the Articles of Peace agreed on by Lieutenant-Governour Bull and the Chiefs of the Cherokee Nation, and had sent down to me a Belt of Peace of white Wampum; I took the Advice of the Honourable the Council assigned me by his Majesty, who agreed with me in Opinion that this was sufficient Authority for me to act on, though I had not then, nor have yet, received the Confirmation of the Peace from Governour Bull. In Consequence of this Advice, I immediately sent Orders to Colonel Stephen to march the whole Regiment to Fort Lewis, where he should meet the Orders to disband it, according to the Time those Orders went from me; and by the Hardness of the Season the Regiment cannot yet have reached that Post, so that not a Day has been yet lost, or the Colony put to any Expense which could be saved.

Sir Jeffery Amherst, in a Letter I have received from him on the Subject of our Regiment, has fully convinced me that I should not do my Duty to his Majesty, in promoting

to the utmost of my Power his Service, recommended to me by his Commander in Chief in these Parts, if I should not refer it to your Consideration before I took on me to disband the Regiment. His Reasons why that Measure should not be hastily entered on carry such a Degree of Weight and Solidity with them as deserve your most serious Attention; which I hope, and make no Doubt, but you will give them.

The Letters and Papers which can give you any Information on this Matter I shall now lay before you.

Mr Speaker, and Gentlemen of the House of Burgeffes,

In the providing for the Continuation of any Expense you may judge necessary for the Security of the Colony, and the Honour of his Majesty, I can only point out to you that Care and Tendernefs for the People which you have hitherto always shown, in an exemplary Manner, on similar Occasions.

Gentlemen of the Council and of the House of Burgeffes,

I have Nothing more to recommend to you at present; and that you may proceed with Despatch, I shall very willingly dispense with any Forms, which regard myself only, that may detain you from immediately entering on the Business now referred to you, and for the Consideration of which you are now called together to meet in this General Assembly.

Mr Speaker also reported that the Governour had delivered to him the several Letters from Sir Jeffery Amherst and Colonel Stephen mentioned in his Speech, also a general State of Mr Abercrombie's Account with this Colony to be laid before the House; and the said Letters were read, and ordered to lie on the Table.

Resolved, That this House will take the Governour's Speech into Consideration Tomorrow.

Ordered, That the Reverend Mr William Yates be continued Chaplain to this House, and that he attend to read Prayers every Morning at Ten o'Clock.

Ordered, That the several Doorkeepers be continued in their respective Offices, and that they give their Attendance accordingly.

A Petition of fundry Inhabitants of the upper Part of the County of King and Queen, praying that the said County may be divided, and Part thereof added to the County of Caroline, by certain Lines therein particularly expressed, was presented to the House and read, and referred to the Consideration of the next Session of Assembly.

And then the House adjourned until Tomorrow Morning Eleven o'Clock

Friday, the 15th of January, 2 Geo. III. 1762.

TWO Members returned on new Writs, having taken the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, and taken and subscribed the Oaths of Abjuration, and also subscribed the Test, were admitted to their Places in the House.

Several Claims of Humphrey Burdett, Martin Vaughan, John Miller, Junior, Josias Plunket, Thomas Smith, Ambrose Bullard, Samuel Allen, Thomas Loyd, Charles Burton and Jesse Burton, for taking up Runaways therein mentioned, were severally presented to the House and received, and referred to the Consideration of the next Session of Assembly.

The Order of the Day being read, for the House to resolve itself into a Committee on the Governour's Speech.

Ordered, That the several Letters Yesterday laid before the House, and ordered to lie on the Table, be referred to the Consideration of the said Committee.

Then the House resolved itself into the said Committee; and after some Time spent therein, Mr Attorney reported that the Committee had had the said Speech and Letters

Letters under their Consideration, and gone through the same, and had come to a Resolution thereon, which he read in his Place, and then delivered in at the Table, where the same was again twice read, and agreed to by the House, as follows:

Resolved, That the Act passed the last Session of Assembly, entitled, *An Act for further continuing the Regiment in the Service of this Colony*, ought to be amended.

Ordered, That a Bill or Bills be brought in, pursuant to the said Resolution; and it is referred to Mr *Richard Henry Lee*, Mr *Bland*, Mr *Fleming* and Mr *Pendleton*, to prepare and bring in the same.

A *Petition* of *James Galt*, Keeper of the publick Gaol, praying that his usual Allowance for maintaining the Prisoners committed to the said Gaol, which will expire at the End of this Session of Assembly, may be further continued, was presented to the House and read, and thereon

Resolved, That the additional Sum of £ 15 be paid to the said *James Galt* every Year, over and above his usual Salary of £ 25.

Resolved, That 10 lb. of Tobacco per Day be allowed to the said *James Galt* for every Criminal committed to the said Gaol, during such Criminal's Imprisonment, from this Time to the End of the next Session of Assembly.

A *Petition* of *Richard Johnston*, praying to be reimbursed by the Publick for the Bounty-Money and Expenses by him paid for enlisting and conveying to the Place of Rendezvous three Men by him recruited for the Frontier Battalion, who were refused by the Commanding Officer, amounting in the Whole to £ 37. 15 s. was presented to the House and read.

Ordered, That the said Petition be referred to Mr *Pendleton*, Mr *Grymes* and Mr *Mercer*; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

And then the House adjourned until Tomorrow Morning, Eleven o'Clock.

Saturday, the 16th of January, 2 Geo. III. 1762.

A *Claim* of *William Keeling*, Sheriff of *Princess Anne* County, for transporting a Runaway Slave from the County across the Bay to *Northampton* County.

Also several *Claims* of *Almorene Bryan* and *Constantine Rock*, for taking up Runaways therein mentioned.

Also a *Claim* of *John Vance*, for a Mare and Bridle, valued at £ 11. 5. 0 impressed into his Majesty's Service by Order of Colonel *Byrd*, and which were never returned him; were severally presented to the House and received, and referred to the Consideration of the next Session of Assembly.

Mr *Richard Henry Lee*, from the Committee appointed, presented to the House, according to Order, a Bill To amend an Act entitled, *An Act for further continuing the Regiment in the Service of this Colony*; and the same was read the first Time, and ordered to be read a second Time.

Mr *Pendleton* reported that the Committee to whom the Petition of *Richard Johnston* was referred had, according to Order, examined into the Allegations thereof, and had agreed on a Report, and come to a Resolution thereon, which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

It appears to your Committee that the said *Richard Johnston* recruited the three Men in his Petition named, and paid them the Bounty Money of £ 10 each, and marched and subsisted them to the Place of Rendezvous, for which he has received no Satisfaction, as the said three Men were refused by Major *Lewis*; that the said three Men were able-bodied young Men, and as fit for the Service as many others that were received by Colonel *Byrd*, after being refused by Major *Lewis*.

Resolved

¹ Hening, VII, p. 463.

² *Ibid.*, VII, p. 463.

Resolved, That the said *Richard Johnston* ought to be allowed by the Publick the Sum of £ 37. 15. 0 for the Bounty paid the said three Men, the Trouble and Expence of enlisting them, and their Subsistence to the Place of Rendezvous.

A *Petition* of *William Jenkins*, setting forth that he has been employed in the Service of the Publick as an Express from the Beginning of the War to this Time, and has discharged his Duty therein with his utmost Care and Fidelity; that in the Course of that Time he has lost a great Number of Horses of considerable Value, and although he was by Agreement (when he first engaged in that Service) to furnish his own Horses, yet he hopes the House will make him some Allowance for his Losses, especially as he was often sent to Places far remote from *Winchester*, which was to be his furthest Stage out; and praying also some Provision for his future Support and Maintenance, being now old and infirm, was presented to the House and read.

Ordered, That the said *Petition* be referred to Mr *Richard Henry Lee* and Mr *Attorney*; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

On a *Motion* made,

The *Bill* To amend an Act, entitled, *An Act for further continuing the Regiment in the Service of this Colony*, was read a second Time; and the Question being put, that the said *Bill* be engrossed and read a third Time,

It passed in the Negative.

Resolved, That the said *Bill* be rejected.

A *Petition* of sundry Inhabitants of the County of *Effex*, praying that an Act may pass for establishing a Town on the Land of one *Thomas Ley*, near *Layton's Warehouse*, in the said County, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the next Session of Assembly.

On a *Motion* made,

Resolved, That an humble Address be presented to his Honour the Governour, to return him the Thanks of this House for his affectionate Speech at the Opening of this Session; to express the grateful Sense we have of his constant Attention to the Welfare of this Colony, and in particular for the active Care he has taken towards having the Regiment disbanded when he should receive authentick Intelligence of a Peace being concluded with the *Cherokee* Indians, agreeable to the Intention of the Act of Assembly; but at the same Time humbly to give it as our Opinion that the Regiment should not be disbanded, until he shall receive a Notification of such Peace from the Governour of *South Carolina*, which we do not doubt but he will endeavour to procure by the most speedy and effectual Method.

Ordered, That an Address be drawn up pursuant to the said Resolution; and it is referred to Mr *Bland*, Mr *Richard Henry Lee* and Mr *Pendleton*, to prepare and bring in the same.

On a *Motion* made,

The House proceeded to the Consideration of the Memorial of the Officers of the *Virginia* Regiment, which was presented to the House the 7th Day of *March*, 1760, and has been referred over by the several Sessions of Assembly since that Time to the Consideration of this Session; and the same being read,

Resolved, That the said Memorial be referred to the Consideration of a Committee of the whole House.

Resolved, That this House will resolve itself into a Committee on the said Memorial on *Monday* next.

On a *Motion* made,

Ordered, That all such Claims and Propositions as were referred from the last Session of Assembly, and also all such Claims and Propositions as shall be certified to this Session of Assembly, be referred to the Consideration of the next Session of Assembly; and further, that all Depositions of Witnesses taken or to be taken, in Pursuance of several Orders

Orders of the House at the last Session, concerning any controverted Election, and which were returnable to this Session, be returned to the next Session of Assembly.

On a *Motion* made,

Ordered, That Mr *David Wilson Curle* be added to the Commissioners appointed to take Depositions of Witnesses on the Petition of Mr *James Wallace*, complaining of an undue Election and Return of Mr *William Wager* to serve as a Burgess in this present General Assembly for the County of *Elizabeth-City*.

On a *Motion* made,

Ordered, That a Bill or Bills be brought in, to revive the several Acts of Assembly of this Colony, For preventing Mutiny and Desertion; and it is referred to Mr *Cary* and Mr *Pendleton* to prepare and bring in the same.

The House proceeded to the Consideration of Mr *Abercrombie's* Account against this Colony, which was laid before the House by the Governour's Command on *Thursday* 8 last; and the several Articles thereof being read, it was thereon

Resolved, That it be an Instruction to the Committee appointed to correspond with the Agent for this Colony in *Great Britain*, to desire him to settle the said Account with Mr *Abercrombie*, and to allow him only One and a Half *per Cent.* for his Commissions on the Receival and Disbursement of the Money he received at the Exchequer for the Use of this Colony, and to disallow the Article mentioned in the said Account, as so much retained by him for Expenses of having his two Accounts passed at the different Offices, and for obtaining a *Quietus*.

And then the House adjourned until Monday Morning, Eleven o'Clock.

Monday, the 18th of January, 2 Geo. III. 1762.

A Claim of *Daniel Coleman*, for taking up a Runaway therein mentioned, was presented to the House and received, and referred to the Consideration of the next Session of Assembly.

Mr *Bland* reported that the Committee appointed had, according to Order, prepared an Address to the Governour, pursuant to the Resolution of the House on *Saturday* last; which he read in his Place, and then delivered in at the Table, where the same was again twice read, and with an Amendment agreed to, and is as follows:

Sir.

We his Majesty's dutiful and loyal Subjects, the Burgesses of Virginia, now met in General Assembly, return your Honour our Thanks for your affectionate Speech at the Opening of this Session.

The Experience we have had of your constant and vigilant Attention to the Welfare of this Colony, so eminently distinguishing your Administration, demands from us the most sincere Returns of Duty and Gratitude; and the Measures you have taken towards disbanding the Regiment, agreeably to the last Act of Assembly, by which the Colony will be relieved from the great Expense of supporting a military Force, are only fresh Instances that the Happiness and true Interest of the People are the governing Motives of your Conduct.

At the same Time that we make these Acknowledgments, permit us, Sir, humbly to lay before you our Opinion that although the Necessity of keeping up the Regiment will not subsist longer than the Ratification of the Peace with the Cherokee Indians is certainly known, yet it ought not to be disbanded until you shall receive a Notification that such Peace is fully confirmed; which, we doubt not, you will endeavour to procure by the most speedy and effectual Methods.

Ordered, That the said Address with the Amendment be fairly transcribed, and presented by the Committee who prepared the same.

Mr *Richard Henry Lee* reported that the Committee to whom the Petition of *William Jenkins* was referred had, according to Order, examined into the Allegations thereof, and

and agreed on a Report and come to a Resolution thereon, which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

It appears to your *Committee* that the said *William Jenkins* has been engaged in the Service of the Publick, as an Express, from the Beginning of the War to this Time; and has, during that Time, been often charged with large Sums of the publick Money, which he had faithfully delivered, and in every Instance discharged his Duty with Care and Fidelity.

It also appears to your *Committee*, by the Oath of the said *William Jenkins*, that in the Course of his said Service he has lost 11 Horses and Mares, valued in the Whole to £ 77. 14 s.

Resolved, That the said *William Jenkins* ought to be allowed some Compensation for his said Losses, and for his Fidelity in the Execution of his Office.

On a *Motion* made,

Resolved, That the Sum of £100 be paid by the Publick to the said *William Jenkins*, as a Compensation for his Losses and Services in the said Report mentioned.

Ordered, That the said Resolve be engrossed, and that Mr *Richard Henry Lee* carry it up to the Council for their Concurrence.

Mr *Cary*, from the Committee appointed, presented to the House, according to Order, a Bill For reviving and further continuing the several Acts of Assembly of this Colony for preventing Mutiny and Desertion, and for other Purposes therein mentioned; and the same was read the first Time, and ordered to be read a second Time.

The *Order* of the Day being read,

The House resolved itself into a Committee, to consider of the Memorial of the Officers of the *Virginia* Regiment; and after some Time spent therein, Mr *Speaker* resumed the Chair and Mr *Attorney* reported that the Committee had had the said Memorial under their Consideration, but not having Time to go through the same they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into a Committee on the said Memorial Tomorrow.

And then the House adjourned until Tomorrow Morning, Eleven o'Clock.

Tuesday, the 19th of January, 2 Geo. III. 1762.

A Bill For reviving and further continuing the several Acts of Assembly of this Colony for preventing Mutiny and Desertion, and for other Purposes therein-mentioned, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A *Claim* of *Zachariah Taylor*, for taking up a Runaway therein mentioned, was presented to the House and received, and referred to the Consideration of the next Session of Assembly.

A *Petition* of *Joseph Royle*, praying that his Salary as Printer to this House which will expire at the End of this Session of Assembly, may be continued, was presented to the House and read, and thereon

Resolved, That the Sum of £ 350 *per Annum* be allowed to the said *Joseph Royle*, Printer, to continue to the End of the next Session of Assembly, as a full Consideration for printing the Journals of the House of Burgesses, printing the Laws of each Session and sending thirteen of them to every County Court Clerk, one of which to be half bound for the Use of the Court, printing Inspectors Notes and Books, Proclamations, and other publick Advertisements.

Ordered, That the said Resolve be engrossed, and that Mr *Attorney* do carry it up to the Council for their Concurrence.

The *Order* of the Day being read,

The House again resolved itself into a Committee on the Memorial of the Officers of the *Virginia* Regiment; and after some Time spent therein, Mr *Speaker* resumed the Chair

10 Chair, and Mr *Attorney* reported that the Committee had had the said Memorial under their further Consideration, and had come to two Resolutions thereon, which he read in his Place, and then delivered in at the Table, where the same were again twice read, and agreed to by the House, as follow:

Resolved, That some Recompense should be made to the Officers of the *Virginia* Regiment for their Bravery, and the Hardships they have undergone in the Service of the Publick.

Resolved, That on disbanding the said Regiment each commissioned Officer shall receive a Sum equal to one Year's Pay.

Ordered, That a Bill or Bills be brought in pursuant to the said Resolutions, and it is referred to Mr *Attorney*, Mr *Pendleton*, Mr *Richard Henry Lee*, Mr *Wormeley* and Mr *Bland*, to prepare and bring in the same.

Ordered, That it be an Instruction to the said Committee to receive a Clause or Clauses for appropriating so much Money now remaining in the Hands of the Treasurer, or that may hereafter come into the Treasury, arising from Bills of Exchange drawn or to be drawn in Pursuance of the Act for appointing Persons to receive the Money granted or to be granted by the Parliament of *Great Britain* to his Majesty for the Use of this Colony, as will be sufficient to answer the Purposes mentioned in the said Resolutions.

An engrossed, *Bill* entitled, *An Act for reviving and further continuing the several Acts of Assembly of this Colony for preventing Mutiny and Desertion*, was read a third Time.

Resolved, That the Bill do pass.

Ordered, That Mr *Cary* do carry up the said Bill to the Council for their Concurrence.

Mr *Bland* reported that the Committee appointed had, according to Order, waited on the Governour with the Address of this House, to which his Honour was pleased to say he would return an Answer Tomorrow.

Mr *Attorney*, from the Committee appointed, presented to the House, according to Order, a Bill For giving a Recompense to the Officers of the *Virginia* Regiment; and the same was read the first Time, and ordered to be read a second Time.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For paying the Burgesses Wages in Money for this present Session of Assembly, and it is referred to Mr *Pendleton* to prepare and bring in the same.

On a *Motion* made,

The *Bill* For giving a Recompense to the Officers of the *Virginia* Regiment was read a second Time, and committed to Mr *Wythe* and Mr *Richard Henry Lee*.

A *Petition* of *Thomas Baillie*, setting forth that in the Year 1759, he being then a Soldier of the *Virginia* Regiment, was taken Prisoner by a Party of *Indians*, amongst whom he remained a Captive near two Years, and at Length made his Escape; and praying to be allowed his Pay, as well before as after his being taken, and some Recompense for the Hardships he endured during his Captivity, was presented to the House and read.

Ordered, That the said *Petition* lie on the Table.

And then the House adjourned until Tomorrow Morning, Eleven o'Clock.

Wednesday, the 20th of January, 2 Geo. III. 1762.

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MR *Attorney* informed the House that the Governour had desired him to lay before them an Account of Lieutenant *William Woodford's*, for conducting a Party of *Cherokee* Indians to this City, amounting to £ 25. 1. 6, and he delivered the same in at the Table; where, being read, it was

Resolved, That the Treasurer of this Colony be directed to pay the same to the said *William Woodford*.

On a *Motion* made,

Resolved

Resolved, That a Sum, not exceeding £ 200, be paid by the Treafurer of this Colony into the Hands of his Honour the Governour, to be laid out in Prefents for the *Cherokee* Indians, if his Honour fhall think proper to make them any.

Mr *Wythe* reported that the Committee to whom the Bill For giving a Recompense to the Officers of the *Virginia* Regiment, was committed, had made an Amendment thereto, which he read in his Place, and then delivered the Bill with the Amendment in at the Table, where the Amendment was again twice read, and agreed to.

Ordered, That the Bill with the Amendment be engrossed, and read a third Time.

A *Meffage* from the Council by Mr *Walthoe*,

That they have agreed to the Bill, entitled, An Act^r for reviving and further continuing the feveral Acts of Affembly of this Colony for preventing Mutiny and Defertion, and for other Purpofes therein mentioned, with an Amendment, to which they defire the Concurrence of this Houfe.

The Houfe immediately proceeded to the Confideration of the faid Amendment, and the fame being read was difagreed to.

Ordered, That Mr *Cary* go up with a *Meffage* to the Council, and acquaint them that this Houfe cannot agree to the Amendment by them propofed to the faid Bill, and defire they will pafs the Bill without the faid Amendment.

On a *Motion* made,

Resolved, That the feveral Sums following be paid to the feveral Officers of the General Affembly, refpectively:

To <i>John Randolph</i> , Efq; Clerk of the Houfe of Burgeffes,.....	£ 50
To <i>Nathaniel Walthoe</i> , Efq; Clerk of the General Affembly,.....	25
To the Reverend Mr <i>Yates</i> , Chaplain,.....	15
To Mr <i>Francis Eppes</i> , Sergeant at Arms,.....	20
To Mr <i>George Davenport</i> , for his Services this Seffion,.....	10
To the Doorkeeper of the Council,.....	5
To <i>James Lavie</i> ,....	Doorkeepers to the Houfe. { 5 5 5 5
To <i>Thomas Francis</i> ,	
To <i>Nathaniel Hix</i> ,..	
To <i>John Broadrib</i> ,..	
To Mrs. <i>Galt</i> , for cleaning the Houfe of Burgeffes,.....	5

Ordered, That the said Refolve be engrossed, and that Mr *Richard Henry Lee* do carry it up to the Council for their Concurrence.

A *Meffage* from the Governour was delivered by Mr *Walthoe*.

That his Honour had commanded him to deliver to the Houfe his Answer in Writing to their Addrefs.

And the fame was read, and is as follows:

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Mr *Speaker*, and Gentlemen of the Houfe of Burgeffes,

I return you my hearty Thanks for your kind Addrefs, and you may rely on my taking the moft speedy Methods of procuring authentick Intelligence of the Ratification of the Peace fupposed to be made with the Cherokee Indians; and as I am extremely defirous of answering the Expectations of your Houfe, in every Instance which does not interfere with my Duty to his Majesty, it would have been very agreeable to me if you had explained yourselves more fully as to what Information you fhould think fatisfactory and full to the Point on which I might difband the Regiment.

Mr *Pendleton*, prefented to the Houfe, according to Order, a Bill For paying the Burgeffes Wages in Money for this prefent Seffion of Affembly; and the fame was read the firft Time, and ordered to be read a fecond Time; and

On a *Motion* made,

The faid *Bill* was accordingly read a fecond Time.

Ordered, That the faid *Bill* be engrossed, and read a third Time.

An

An engrossed *Bill*, entitled, *An Act¹ for giving a Recompenſe to the Officers of the Virginia Regiment*, was read a third Time.

Resolved, That the ſaid *Bill* do paſs.

Ordered, That Mr *Attorney* do carry up the ſaid *Bill* to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act² for paying the Burgeſſes Wages in Money for this preſent Seſſion of Aſſembly*, was read the third Time, and the Blanks therein filled up.

Resolved, That the *Bill* do paſs.

Ordered, That Mr *Pendleton* do carry up the ſaid *Bill* to the Council for their Concurrence.

A *Meſſage* from the Council by Mr *Walthoe*.

That they have agreed to the Bill, entitled, An Act³ for giving a Recompenſe to the Officers of the Virginia Regiment.

Alſo to the Bill, entitled, An Act⁴ for paying the Burgeſſes Wages in Money for this preſent Seſſion of Aſſembly.

Alſo to the Reſolve of this Houſe for paying the Officers Salaries for this preſent Seſſion of Aſſembly.

Alſo to the Reſolve for paying William Jenkins the Sum of £ 100, for the Services therein mentioned.

Alſo to the Reſolve for continuing the Printer's Salary.

And that they inſiſt on the Amendment by them propoſed, and diſagreed to by this Houſe, to the Bill, entitled, An Act⁵ for reviving and further continuing the ſeveral Acts of Aſſembly of this Colony for preventing Mutiny and Deſertion, and for other Purpoſes therein mentioned.

The Houſe proceeded to take into Conſideration the Amendment inſiſted on by the Council to the *Bill, entitled, An Act⁶ for reviving and further continuing the ſeveral Acts of Aſſembly of this Colony for preventing Mutiny and Deſertion, and for other purpoſes therein-mentioned*; and the ſame was read, and again diſagreed to.

Resolved, That this Houſe do inſiſt on their Diſagreement to the ſaid Amendment.

Ordered, That Mr *Cary* do go up with a *Meſſage* to the Council and acquaint them therewith, and that this Houſe deſire they will paſs the *Bill* without the ſaid Amendment.

¹³ *Ordered*, That the Petition of *Thomas Baillie*, Yeſterday preſented to the Houſe, and ordered to lie on the Table, be referred to Mr *Mercer* and Mr *Richard Henry Lee*; that they examine into the Allegations thereof, and report the ſame, with their Opinions thereon, to the Houſe.

A *Meſſage* from the Council by Mr *Walthoe*,

That they adhere to their Amendment diſagreed to by this Houſe to the Bill, entitled, An Act⁷ for reviving and further continuing the ſeveral Acts of Aſſembly of this Colony for preventing Mutiny and Deſertion, and for other Purpoſes therein mentioned.

On a *Motion* made,

Ordered, That Leave be given to bring in a *Bill* For preventing Mutiny and Deſertion, and other Purpoſes, and it is referred to Mr *Attorney* to prepare and bring in the ſame.

Mr *Attorney* accordingly preſented the ſaid *Bill*; and the ſame was read the firſt time, and ordered to be read a ſecond Time immediately.

The ſaid *Bill* was accordingly read a ſecond Time.

Ordered, That the ſaid *Bill* be engroſſed, and read a third Time.

And the ſaid *Bill* was immediately engroſſed, and read a third Time.

Resolved, That the *Bill* do paſs.

Ordered, That Mr *Attorney* do carry up the ſaid *Bill* to the Council for their Concurrence.

And then the Houſe adjourned until Tomorrow Morning, Eleven o'Clock.

Thursday

¹ Hening, VII, p. 492.

² *Ibid.*, VII, p. 493.

³ *Ibid.*, VII, p. 492.

⁴ *Ibid.*, VII, p. 493.

⁵ *Ibid.*, VII, p. 491.

⁶ *Ibid.*, VII, p. 502.

⁷ *Ibid.*, VII, p. 491.

Thursday, the 21st of January, 2 Geo. III. 1762.

A Message from the Council by Mr Walthoe,

That they have agreed to the Bill, entitled, An Act¹ for preventing Mutiny and Defertion, and other Purpofes.

Ordered, That a Committee be appointed to examine the enrolled Bills of the following Gentlemen: Mr William Digges, Mr Carrington and Mr Fleming.

Mr Mercer reported that the Committee to whom the Petition of Thomas Baillie was referred had examined into the Allegations thereof, and found them to be true, and had come to a Resolution thereon, which he read in his Place, and then delivered in at the Table, where the same was again twice read, and agreed to by the House, as follows:

Resolved, That the said Thomas Baillie ought to be allowed the Arrears of Pay due to him to the Time of his being taken and carried into Captivity by the Indians, to be paid by the Paymaster of the Virginia Regiment, and that he ought also to be allowed the Sum of £ 35, as a full Compensation for the Hardships he endured during his Confinement amongst the Indians, and the Residue of his Pay.

Mr William Digges reported that the Committee appointed had, according to Order, examined the enrolled Bills and rectified such Mistakes as were found therein, and that they were truly enrolled.

Ordered, That Mr Digges do carry up the enrolled Bills to the Council for their Inspection.

A Message from the Council by Mr Walthoe,

That they have inspected the enrolled Bills, and are satisfied they are truly enrolled.

A Message from the Governour was delivered by Mr Walthoe,

14

Mr Speaker and Gentlemen of the House of Burgeffes,

The Governour commands the immediate Attendance of your House in the Council Chamber, and that you bring with you such Bills and Resolves as are ready for his Assent.

Mr Speaker with the House went up accordingly, and the Governour was pleased to give his Assent to the following Bills:

1. *An Act² for preventing Mutiny and Defertion, and other Purpofes.*
2. *³For giving a Recompenfe to the Officers of the Virginia Regiment.*
3. *⁴For paying the Burgeffes Wages in Money for this present Session of Affembly.*

Also to the following Resolves:

For paying the Salaries of the Officers of the General Affembly.

For continuing the Printer's Salary.

And for paying William Jenkins the Sum of £ 100, for the Services therein mentioned.

And then his Honour was pleased to prorogue the Affembly to the 2d Tuesday in April next.

¹ Hening, VII, p. 502.

² Ibid., VII, p. 502.

³ Ibid., VII, p. 492.

⁴ Ibid., VII, p. 493.

JOURNAL
of the
HOUSE OF BURGESSES

1762

March Session

Burgeffes.

Accomac	Thomas Parramore Southey Simpfon	Hanover	John Syme Nathaniel Weft Dandridge
Albemarle	*Thomas Walker *John Fry	Henrico	Philip Mayo *Bowler Cocke
Amelia	David Greenhill Thomas Tabb	Ifle of Wight	*James Bridger Jofeph Bridger
Amherft	*William Cabell Cornelius Thomas	James City	Lewis Burwell Philip Johnfon
Augufta	Ifrael Chriftian John Wilfon	Jameftown	Edward Champion Travis
Bedford	William Callaway John Talbot	King & Queen	*John Pendleton *John Robinfon
Brunfwick	Ifaac Rowe Walton William Thornton	King George	*Charles Carter Charles Carter, Jr.
Buckingham	Robert Bolling *Jofeph Cabell	King William	Bernard Moore Carter Braxton
Caroline	*Edmund Pendleton John Baylor	Lancafter	*Charles Carter Richard Mitchell
Charles City	Benjamin Harrifon William Kennon	Loudoun	Francis Lightfoot Lee James Hamilton
Chefterfield	*Archibald Cary Richard Eppes	Louifa	William Johnfon Thomas Johnfon
The College	Mann Page	Lunenburg	Clement Reade Henry Blagrove
Culpeper	James Barbour John Field	Middlefex	John Smith Ralph Wormeley
Cumberland	*George Carrington *John Fleming	Nanfemond	*Lemuel Riddick *Willis Riddick
Dinwiddie	Robert Bolling *Leonard Claiborne, Jr.	New Kent	Gill Armiftead Richard Adams
Elizabeth City	George Wythe William Wager	Norfolk	*William Bradley Thomas Veal
Effex	John Upfhaw John Lee	Norfolk Borough	Joseph Hutchings
Fairfax	*George Johnfton John Weft	Northampton	John Harmanfon Thomas Dalby
Fauquier	Thomas Marfhall Thomas Harrifon	Northumberland	Richard Hull Spencer Ball
Frederick	George Wafhington *George Mercer	Orange	James Taylor James Walker
Gloucefter	John Page Thomas Whiting	Prince Edward	Peter Legrand Abner Nafh
Goochland	John Payne Jofias Payne	Prince George	*Richard Bland Richard Bland, Jr.
Halifax	Nathaniel Terry Robert Wade	Prince William	*Henry Lee John Baylis
Hampfhire	James Keith Thomas Rutherford	Princcfs Anne	Anthony Walke Edward Hack Mofeley

*Not fhown by the Journal to have been prefent during the Affembly.

Richmond	*Landon Carter John Woodbridge	Suffex	David Mafon John Edmunds
Southampton	*Jofeph Gray Benjamin Symmons	Warwick	*William Digges William Harwood
Spotfylvania	Fielding Lewis Benjamin Grymes	Westmoreland	Richard Henry Lee Richard Lee
Stafford	William Fitzhugh Thomas L. Lee	Williamfburg York	*Peyton Randolph Dudley Digges
Surry	*Hartwell Cocke Henry Browne		Thomas Nelson, Jr.

*Not fhown by the Journal to have been prefent during the Affembly.

JOURNAL

of the

HOUSE OF BURGESSES

Tuesday, the 30th of March, 2 Geo. III. 1762.

A Message from the Governour was delivered by Mr Walthoe.

Mr Speaker, and Gentlemen of the House of Burgeffes,
The Governor commands the immediate Attendance of your House in the Council Chamber.

Accordingly Mr Speaker, with the House, went up to attend the Governour.

And being returned, reported that the House had attended the Governour in the Council Chamber, and that he was pleased to make a Speech to the Council and this House, of which he had, to prevent Mistakes, obtained a Copy; which he read to the House, and afterwards delivered it in at the Table, where it was again twice read, and is as follows:

Gentlemen of the Council, Mr Speaker, and Gentlemen of the House of Burgeffes,

The great Regard I pay to every Act of General-Assembly, and the earnest Desire I had of easing this Colony from the Expenses necessarily attending a State of War (as soon as I thought it could be done with security) made me take the first Opportunity of disbanding the Regiment. This Opportunity was afforded me by a Letter I received from his Excellency Thomas Boone, Esq; lately appointed by his Majesty to the Government of South Carolina, to advise me of his having taken the Administration of the Affairs of that Province into his Hands, and of his having found the Peace with the Cherokee Indians ratified when he arrived in the Colony. Without waiting for the return of my Messenger, sent into Carolina for this very Purpose, I immediately sent up Orders and Money to pay the Men, according to the Sense of the last Act passed for the Provision of them; though I must at the same time confess, that I most ardently wished to have been able to have kept the Regiment on Foot, until his Majesty's Pleasure was made known to me, as to what Assistance he should require from his Colonies to prosecute the War with Vigour for the ensuing Campaign. This Requisition is now come; and I shall immediately lay before you for your Deliberation the Letters I have received from the Earl of Egremont, one of his Majesty's principal Secretaries of State, making this Requisition; and from Major-General Sir Jeffery Amherst, enforcing it. This is the Business on which I have called you together; and I most earnestly
4 hope that you will not suffer my Attention to the Interest of this Colony, and my Eagerness to take that Burthen from off your Shoulders, of the Weight of which you have so long complained, to become a Cause of impeding or obstructing his Majesty's Service at this Crisis. I too well know that the Expenses of War are grievous, and burthensome; but such is the present Condition of Mankind, that this unhappy State must on some Occasions be entered into, to procure future Safety and Security, by an honourable and lasting Peace. All this I shall refer to your Consideration; with only adding, that I have the strongest Reasons to assure you, Gentlemen, that his Majesty's Service requires I should be particularly urgent with you on the present Occasion.

Over

Over and above the Troops required from you to be kept in the Pay of the Colony, his Majesty has directed me to demand a certain Quota of Men to be raised by this Colony, to be incorporated into the Regiments on the British Establishment now in America, in Order to recruit and fully complete the same. The number demanded from you, the Terms on which they are to be enlisted, and the Encouragement they will receive, are fully explained to you in a Letter from his Majesty's Commander in Chief, which will now be laid before you. His Majesty has this Measure so much at Heart, as absolutely necessary to put his Forces on a respectable Footing, and enable them to act on the Offensive, and has recommended it by his Secretary of State in so forcible Terms, that, convinced as I am of your steady Zeal, Loyalty and Attachment, to his royal Person and Government, it would be the highest Presumption in me to attempt to add weight thereto, by any Arguments of my own: And I cannot doubt but that you will exert yourselves to the utmost, and so approve yourselves those faithful and loyal Subjects the best of Monarchs expects to find you.

An artful Man might perhaps have witholden this last Requisition until you have complied with, or refused, the former; but Artifices of this Kind have never made any Part in my Plan of Government: I know to whom I am now applying; I know that Sincerity, Openness and Candour, will obtain that from you which you would deny to Cunning and Contrivance; such is the Conduct which I have always observed to you, and which I have always found returned to me in the most ample, grateful and satisfactory Manner.

Mr Speaker, and Gentlemen of the House of Burgeffes,

I can never recommend to you the granting Supplies without reflecting on the large Sums this Colony has already granted, and feeling for the People whenever I have Occasion to make any Demands on them, however necessary they may be; but I hope the Example of our Mother-Country, annually raising many Millions to support a War at first entered into, and now prosecuted, for the Defence and future Security of her Colonies, will influence you to tread in her Steps as far as your Ability will give you Leave. Let us for a Moment reflect what would have been the State of this Colony if she had pleaded Poverty and Inability. I have this Satisfaction left me that I am sure, from past Experience, you will provide for what Expenses you shall judge necessary and expedient on the easiest Terms.

Gentlemen of the Council and of the House of Burgeffes,

In order to protect the Trade of this Colony, I have the Pleasure to inform you that William Manwaring, Esq; Commander of his Majesty's Ship Arundel, is stationed on this Coast, to defend it from the Insults and Attacks of any Enemy whatsoever.

Nothing now remains for me to say but to recommend to you Activity, Unanimity and Despatch, which I do with great Fervency and Sincerity; for, whether we consider the advancing Season of the Year, the doubtful Situation Sir Jeffery Amherst must be in, from which he would be glad to be relieved, or whether we consider the approaching Business of the General Court, all Reasons concur, both publick and private, general and particular, to render Expedition necessary.

The Declaration of War against Spain, which has been brought into this Colony by the Commander of one of his Majesty's Sloops of War, and was sent to me Yesterday in the Evening, will explain to you my Motives for pressing you to comply with all that his Majesty requires from you, on which Subject I could not speak plain until some such document authorized me so to do.

Resolved, That an humble Address be presented to his Honour, to return him the Thanks of this House for his affectionate Speech at the Opening of this Session; to acknowledge that we are particularly obliged to him for the Sincerity, Openness and Candour, with which on this, as on every other Occasion, he has treated us; to represent to him that we are truly sensible that it is our Duty to exert ourselves at this critical Conjunction, and that we will give all the Despatch to the several Matters recommended to us that the Importance of them will admit of.

Ordered

Ordered, That a Committee be appointed to draw up an Address to the Governour, pursuant to the said Resolution; and it is referred to Mr Attorney and Mr Bland to prepare and bring in the same.

Mr Speaker informed the House that the Governour had delivered to him several Letters from the Earl of Egremont, one of his Majesty's principal Secretaries of State, Major General Sir Jeffery Amherst, Thomas Boone, Esq; Governour of South Carolina, and one from Colonel Bouquett, and desired him to lay them before the House.

And the said Letters were read, and ordered to lie on the Table.

Resolved, That this House will take the Governour's Speech into Consideration Tomorrow.

Ordered, That the Reverend Mr William Yates be continued Chaplain to this House, and that he attend to read Prayers every Morning at Ten o'Clock.

Ordered, That James Lavie, Thomas Francis, Nathaniel Hicks and John Broadrib, be continued in their respective Offices of Doorkeepers to this House, and that they give their Attendance accordingly.

On a Motion made,

It was ordered that all such Claims and Propositions as were referred from the last to this Session of Assembly, and also all such Claims and Propositions as shall be certified to this Session of Assembly, be referred to the Consideration of the next Session of Assembly.

And then the House adjourned until Tomorrow Morning Eleven o'Clock.

Wednesday, the 31st of March, 2 Geo. III. 1762.

MR Attorney reported that the Committee appointed had, according to Order, prepared an Address to the Governour; which he read in his Place, and afterwards delivered in at the Table, where the same was again twice read, and agreed to by the House, and is as follows:

Sir,

We his Majesty's most dutiful and loyal Subjects, the Burgeesses of Virginia, return your Honour our sincere Thanks for your kind Speech at the Opening of this Session: At the same Time we are more particularly obliged to you for the Sincerity, Openness and Candour, with which, on every Occasion, you have treated us; and such a Conduct, you may be assured, will always meet with a due Return of Gratitude and Affection.

The quiet Enjoyment of our Liberties, which we had a fair Prospect of having secured to us, by an honourable and lasting Peace, is again obscured by the Perfidy, Folly and Chicanery, of the Crowns of France and Spain. We are truly sensible that this Event makes it necessary to exert ourselves in Support of the common Cause, lest a War begun for the Preservation of his Majesty's Colonies may prove fatal to them: You may therefore, Sir, depend that you shall find our Conduct, on this important Crisis, such as you might expect from Subjects the most loyal, and most warmly attached to the Person and Government of his Majesty.

We shall immediately take the several Matters recommended to us under our Consideration, and proceed with all the Despatch the Importance of them will admit of.

Ordered, That the said Address be fairly transcribed, and presented by the whole House.

Ordered, That the Committee who prepared the same wait on the Governour, to know his Pleasure when they shall attend his Honour to present it.

A Petition of sundry Inhabitants of the Parish of Drysdale, in the Counties of Caroline and King and Queen, setting forth that their present Glebe is situated below their lower Church, and at least 30 Miles from the upper End of the Parish, which makes it

very

very inconvenient, and in bad Weather impossible for the Minister to attend the upper Church and other parochial Duties; and praying that an Act may pass to empower the Vestry of the said Parish to sell the said Glebe Land, and purchase one more convenient in Lieu thereof, was presented to the House and read.

Ordered, That Leave be given to bring in a Bill pursuant to the Prayer of the said Petition, and it is referred to Mr *Pendleton* to prepare and bring in the same.

On a *Motion* made,

Ordered, That it be an Instruction to the Committee to whom it is referred to bring in a Bill pursuant to the Prayer of the above Petition that they receive a Clause or Clauses to empower the Vestry of the Parish of *St. Stephen*, in the County of *King* and *Queen*, to sell their present Glebe, and to purchase one more convenient.

A *Petition* of fundry Inhabitants of the County of *Prince William*, praying that the Court Day of the County may be altered to the first *Monday* in every Month, was presented to the House and read.

Ordered, That a Bill or Bills be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Henry Lee* to prepare and bring in the same.

The *Order* of the Day being read, for the House to take into their Consideration the Governours Speech.

Resolved, That the House will resolve itself into a Committee on the said Speech.

Ordered, That the several Letters laid before the House by Desire of his Honour the Governour Yesterday, be referred to the Consideration of the said Committee.

And then the House resolved itself into a Committee on the said Speech and letters; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Charles Carter* reported that the Committee had had the same under their Consideration, and had come to several Resolutions thereon, which they had directed him to report to the House; and he read the same in his Place, and then delivered them in at the Table, where they were again twice read, and agreed to by the House, with some Amendments, as follow:

Resolved, That 1000 Men be raised, and kept in the Pay of this Colony.

Resolved, That 268 Men be recruited, at the expence of this Colony, to be joined to his Majesty's Forces under the Command of Major General Sir *Jeffery Amherst*.

Resolved, That a Sum, not exceeding £30,000, be raised for defraying the Expence of buying, paying and clothing, the 1000 Men, and the recruiting the 268 Men.

On a *Motion* made,

The House resolved itself into a Committee to consider of Ways and Means for raising the Sum of £30,000 agreeable to the above Resolution; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Charles Carter* reported that the Committee had come to a Resolution thereon, which they had directed him to report to the House; and he read the same in his Place, and then delivered it in at the Table, where it was again twice read, and agreed to by the House, as follows:

Resolved, That the Sum of £30,000 be raised by a Tax of one Shilling on every tithable Person in this Colony, to be paid in the Years 1764, 1765, 1766, 1767, 1768, and 1769.

Ordered, That a Bill or Bills be brought in, pursuant to the aforesaid Resolutions; and it is referred to Mr *Charles Carter*, Mr *Attorney*, Mr *Bland*, Mr *Pendleton* and Mr *Lemuel Riddick*, to prepare and bring in the same.

A *Petition* of the Churchwardens, and fundry Inhabitants, of the Parish of *Amherst*, in the County of *Amherst*, setting forth that by an Act made in the first Year of his Present Majesty's Reign, entitled, *An Act for dividing the counties of Albemarle and Louisa, and Parish of St. Anne, and for other purposes therein mentioned*, the Churchwardens of the said Parish of *St. Anne* were empowered to sell and convey the Glebe-Land of the said Parish, with the Improvements thereon, for a valuable Consideration, and the Money arising thereby to be disposed of in such Manner, and to such Uses, as by the said Act is directed: That the said Churchwardens of the said Parish of *St. Anne* have pretended to
sell

fell the Glebe; but not giving due notice of fuch Sale, few Perfons attended thereat, and the Churchwardens by that Means became the Purchafers for the Ufe of the faid Parifh for £231-10s. current Money, which is not more than Half the Value of the faid Lands, whereby the Proportion to be received by the faid Parifh of *Amherft* is greatly leffened; and praying that an Act may pafs to fet afide the faid pretended Sale, was prefented to the Houfe, and read.

Ordered, That a Bill or Bills be brought in purfuant to the Prayer of the faid Petition, and it is referred to M^r *Cabbell*, M^r *Walker* and M^r *Carrington*, to prepare and bring in the fame.

And then the Houfe adjourned until Tomorrow Morning Eleven o'Clock.

Thursday, the 1st of April. 2 Geo. III. 1762.

M^R *Pendleton*, from the Committee appointed, prefented to the Houfe according to Order, a Bill To empower the Veftries of the Parifhes of *Dryfdale*, in the Counties of *Caroline* and *King* and *Queen*, and of *St. Stephen*, in the County of *King* and *Queen*, to fell their prefent Glebe, and to lay out the Money in purchafing more convenient Glebes; and the fame was read the firft Time, and ordered to be read a fecond Time.

On a *Motion* made,

Ordered, That it be an Inftruction to the Committee to whom it was referred to bring in a Bill For granting an Aid to his Majefty, and for other Purpofes therein mentioned, to receive a Claufe or Claufes for emitting Treafury Notes for the Sum of £30,000, and to empower the Treafurer to apply all fuch Sums as he fhall receive, which have been or may hereafter be granted by the Parliament of *Great Britain* to this Colony, and the Monies due from the Crown for Provisions towards the Redemption of the faid Notes.

A *Petition* of *William Seward*, fetting forth that he is feized in Fee Taille of 1780 Acres of Land in the Parifh of *Southwark*, in the County of *Surry*, under the Will of one *Robert Canfield*; that the greater Part of the faid Land is poor and yields him but fmall Profit, and is inconveniently fituated, being divided by a Creek which runs almoft through the fame; that it will be greatly to his Advantage, and that of his Pofterity, if he was empowered to difpofe of 1530 Acres, Part of the faid Tract, and lay out the Money arifing from fuch Sale in the Purchase of fome other more valuable Lands and Slaves, to be annexed thereto, and fettled to the fame Ufes; and praying that an Act may pafs for that purpofe, was prefented to the Houfe and read.

Ordered, That a Bill or Bills be brought in purfuant to the Prayer of the faid Petition, and it is referred to M^r *Riddick* to prepare and bring in the fame.

M^r *Charles Carter*, from the Committee appointed, prefented to the Houfe, according to Order, a Bill for granting an Aid to his Majefty, and for other Purpofes therein mentioned; and the faid Bill was read the firft Time, and ordered to be read a fecond Time.

M^r *Henry Lee* prefented to the Houfe, according to Order, a Bill for altering the Court Day of the County of *Prince-William*; and the fame was read the firft Time, and ordered to be read a fecond Time.

A *Claim* of ———— *Rogers*, for taking up a Runaway therein mentioned, was prefented to the Houfe and received.

Ordered, That the faid Claim be referred to the Confideration of the next Seflion of Affembly.

M^r *Cabbell* prefented to the Houfe, according to Order, a Bill to declare void the pretended Sale of the Glebe Land of the Parifh of *St. Anne*, in the County of *Albemarle*, and directing a new Sale thereof, which was read the firft Time, and the Queftion being put that the faid Bill be read a fecond Time,

It paffed in the Negative.

Resolved, That the faid Bill be rejected.

A *Petition* of *John Cole*, a Sergeant in the *Virginia* Regiment, praying some Satisfaction for a Horse pressed into the Service by Captain *Bullet*, appraised to £15, and afterwards taken by the Enemy, and also for Services done as a Tailor to several Soldiers in the said Regiment, was received and read.

Ordered, That the said *Petition* be referred to Mr *Mercer* and Mr *Pendleton*, that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Attorney* reported that the Committee appointed had, according to Order, waited on the Governour to know his Pleasure when the House should attend him with their Address; and that he was pleased to appoint this Day, and to say he would send a Message to the House when he was ready to receive it.

A *Petition* of *Thomas Gift*, setting forth that he hath been a Lieutenant in the *Virginia* Regiment six Years, during which Time he hath always behaved himself well; that in 1758, in Colonel *Grant's* Engagement with the *Wyandotes* he was wounded in his right Hand, which has rendered it almost useless; that he was afterwards taken Prisoner by the said *Indians*, and detained by them in Captivity one Year; and praying the Consideration of this House, was presented to the House and read.

Ordered, That the said *Petition* be referred to Mr *Pendleton* and Mr *Cary*; that they do examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

Several *Claims* of *Thomas Toombs* and *William Hicks*, for taking up Runaways therein mentioned, were severally presented to the House and received.

Ordered, That the said *Claims* be referred to the Consideration of the next Session of Assembly.

A Message from the Governour was delivered by Mr *Walthoe*.

Mr *Speaker*,

I am commanded by the Governour to acquaint this House that his Honour is now ready to receive their Address in the Council Chamber.

Mr *Speaker*, with the House, went up; and being returned, reported that he had, with the House, attended the Governour in the Council Chamber, and presented the Address of this House to him, to which he was pleased to answer.

Mr *Speaker*, and Gentlemen of the House of Burgesses,

I receive the highest Pleasure from the Marks of Zeal for the Service of his Majesty, and of Loyalty and Attachment to his Person and Government, testified in your affectionate Address, for which I return you my sincere Thanks; and I have the greatest Reliance that your Conduct, on this important Crisis, will answer the Expectations you have raised in the Breasts of the warmest Friends of his Majesty and the Ministry.

Sincerity and Candour are the strongest Cement of Friendship and Affection, which I trust will never be broke through on either Side; It shall be my constant Endeavour to preserve it on mine, as the Returns I meet with from them so amply repay me.

A *Bill* for granting an Aid to his Majesty, and for other Purposes therein mentioned, was read the second Time, and ordered to be committed to a Committee of the whole House immediately.

And then the House resolved itself into a Committee on the said *Bill*; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Charles Carter* reported that the Committee had had the said *Bill* under their Consideration, and made some Amendments thereto, but, not having Time to go through the same, they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into a Committee on the said *Bill* to morrow.

A *Bill* To empower the Vestries of the Parishes of *Drysdale*, in the Counties of *Caroline* and *King* and *Queen*, and of *St. Stephen*, in the County of *King* and *Queen*, to sell their

their Glebes, and to lay out the Money in purchasing more convenient Glebes, was read a second Time.

Ordered, The said Bill be engrossed, and read a third Time.

Mr *Riddick* presented to the House, according to Order, a Bill to dock the Entail of certain Lands whereof *William Seward* is seized, and for other Purposes therein mentioned; and the same was read the first Time, and ordered to be read a second Time.

10 On a *Motion* made,

The said *Bill* was read a second Time, and committed to Mr *Riddick*, Mr *Gray*, Mr *Hartwell Cocke* and Mr *Bridger*.

A *Bill* For altering the Court Day of the County of *Prince William* was read a second Time, and committed to Mr *Johnson*, Mr *Henry Lee*, Mr *Walker* and Mr *Fry*.

Ordered, That it be an Instruction to the said Committee to receive a Clause or Clauses for altering the Court Day of *Louisa* County.

And then the House adjourned until Tomorrow Morning, Eleven o'Clock.

Friday. the 2nd of April. 2 Geo. III. 1762.

A *Claim* of *William Hicks*, for taking up a Runaway therein mentioned, was presented to the House and received.

Ordered, That the said Claim be referred to the Consideration of the next Session of Assembly.

Mr *Riddick* reported that the Committee to whom the Bill To dock the Entail of certain Lands, whereof *William Seward* is seized, and for other purposes therein mentioned, was committed, had made several Amendments thereto, which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the Bill with the Amendments be engrossed, and read a third Time.

On the *Petition* of *Joseph Royle*, Printer, praying the Continuance of his Salary.

Resolved, That the Sum of £350 *per Annum* be allowed to the said *Joseph Royle*, to continue to the End of the next Session of Assembly, as a full Consideration for printing the Journal of the House of Burgesses, printing the Laws of each Session and sending 13 of them to every County Court Clerk, one of which to be half bound, for the Use of the Court, printing Inspectors Notes and Books, Proclamations, and other publick Advertisements.

Ordered, That the said Resolve be engrossed, and that Mr *Attorney* do carry it to the Council for their Concurrence.

On the *Petition* of *James Galt*, Keeper of the Publick Gaol, praying a Continuance of his former Salary.

Resolved, That the additional Sum of £15 be paid to the said *James Galt*, over and above his usual Salary of £25 *per Annum*.

Resolved, That 10 lbs. of Tobacco per Day be allowed to the said *James Galt*, for every Criminal committed to the said Gaol during such Criminal's Imprisonment, from this Time to the End of the next Session of Assembly.

On a *Motion* made,

Resolved, That the Sum of £100 be given, to be laid out in Clothes and Presents for the *Tuskarora* Indians, as a Reward for their Attachment and faithful Services to this Colony.

Ordered, That the said Resolve be engrossed, and that Mr *Attorney* do carry it to the Council for their Concurrence.

The Order of the Day being read,

The House again resolved itself into a Committee on the said Bill For granting an Aid to his Majesty, and for other Purposes therein mentioned; and after some Time spent

spent therein, Mr *Speaker* resumed the Chair, and Mr *Charles Carter* reported that the Committee had had the said Bill under their further Consideration, and gone through the same, and had made several Amendments thereto, which they had directed him to report to the House; and he read the same in his Place, and then delivered them in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

Mr *Pendleton* reported that the Persons to whom the Petition of *Thomas Gift* was referred had examined into the Allegations thereof, and found them to be true, and had come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where the same was again twice read, and agreed to by the House, with an Amendment, as follows:

Resolved, That the said *Thomas Gift* ought to be allowed by the Publick the Sum of £100, as a Recompense for his Bravery, the Wound he received, and the Hardships he sustained, in the Service of this Country.

Mr *Thomas Johnson* reported that the Committee to whom the Bill For altering the Court Days of the Counties of *Prince William* and *Louisa*, was committed, had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

Mr *Pendleton* reported that the Persons to whom the Petition of *John Coles* was referred had examined into the Allegations thereof, and found them to be true, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where the same was again twice read, and agreed to by the House, as follows:

It appears to your Committee that the Horse in the Petition mentioned was taken by Captain *Bullet* into his Majesty's Service, being first appraised to £15 current Money, was afterwards taken by the Enemy, and never returned to the Petitioner.

It also appears that the Petitioner, being a Tailor, did, by Direction of Colonel *Stephen*, while the Troops were in *South Carolina*, perform Work in his said Trade, and furnish Necessaries for several Soldiers in the said *Stephen's* Company, to the Amount of £5-14-6, for which he has received no Satisfaction; but whether the said *Stephen* stopped the Money out of the Pay of the several Soldiers for whom the said Work was done, or not, does not appear.

Resolved, That the Petitioner ought to be paid the Sum of £15 for his Horse afore-said, by the Publick.

Resolved, That the Residue of the Petitioner's Claim ought to be referred to the Consideration of the next Session of Assembly.

An engrossed Bill, entitled, *An Act to empower the Vestries of the Parishes of Drysdale, in the Counties of Caroline and King and Queen, and of St. Stephen, in the said County of King and Queen, to sell their Glebes, and lay out the Money in purchasing more convenient Glebes*, was read the third Time, and the Blanks therein filled up.

Resolved, That the Bill do pass.

Ordered, That Mr *Pendleton* do carry the said Bill to the Council for their Concurrence.

On a Motion made,

Ordered, That Leave be given to bring in a Bill To prevent Mutiny and Desertion, and it is referred to Mr *Cary* and Mr *Bradley* to prepare and bring in the same.

And then the house adjourned until Tomorrow Morning Eleven o'clock.

Saturday

Saturday. the 3rd of April. 2 Geo. III. 1762.

AN engrossed *Bill*, entitled, *An Act for altering the Court Days of the Counties of Prince William and Louisa*, was read the third Time, and the Blanks therein filled up.

Resolved, That the Bill do pass.

Ordered, That M^r Henry Lee, do carry up the said Bill to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for granting an Aid to his Majesty, and for other Purposes therein mentioned*, was read the third Time, and the Blanks therein filled up; and the Question being put that the said Bill do pass, the House divided.

Yeas go forth:

Yeas, counted by M^r Landon Carter, 63.

Noes, counted by M^r Charles Carter, 3.

Resolved, That the Bill do pass.

Ordered, That M^r Charles Carter do carry the said Bill to the Council for their Concurrence.

And then the House adjourned until Monday Morning, Eleven o'Clock.

Monday. the 5th of April. 2 Geo. III. 1762.

AN engrossed *Bill*, entitled, *An Act to dock the Entail of certain Lands whereof William Seward is seized, and for other Purposes therein mentioned*, was read a third Time, and the Blanks therein filled up.

Resolved, That the Bill do pass.

Ordered, That M^r Cocke do carry the said Bill to the Council for their Concurrence.

A Message from the Council by M^r Walthoe.

That they have agreed to the Bill, entitled, An Act for altering the Court Days of the Counties of Prince William and Louisa.

Also to the Bill, entitled, An Act to empower the Vestries of the Parishes of Drysdale, in the Counties of Caroline and King and Queen, and of St. Stephen, in the County of King and Queen, to sell their present Glebes, and lay out the Money in purchasing more convenient Glebes.

Also to the Resolve of this House for paying Joseph Royle, Printer, a Salary of £350 a Year.

And to the Resolve for paying Lieutenant Thomas Gift £ 100, for the Services therein mentioned.

M^r Cary presented to the House, according to Order, a Bill, To prevent Mutiny and Desertion; and the same was read the first Time, and ordered to be read a second Time.

On a Motion made,

Ordered, That Leave be given to bring in a Bill To amend an Act, entitled, *An Act to explain the Charter, and enlarge the Privileges, of the Borough of Norfolk, and for other Purposes therein mentioned*; also one other Act, entitled, *An Act for enlarging and ascertaining the Limits of the Borough of Norfolk, and for other Purposes therein mentioned*; and it is referred to M^r Attorney and M^r Bradley to prepare and bring in the same.

Several Claims of Henry Collier and Thomas May were severally presented to the House, and received.

Ordered

¹ Hening, VII, p. 509.

² *Ibid.*, VII, p. 495.

³ *Ibid.*, VII, p. 514.

⁴ *Ibid.*, VII, p. 509.

⁵ *Ibid.* VII, p. 513.

⁶ *Ibid.* VII, p. 510.

Ordered, That the said Claims be referred to the Consideration of the next Session of Assembly.

On a Motion made,

The Bill, entitled, *An Act to prevent Mutiny and Desertion*, was read a second Time, and ordered to be engrossed and read a third Time.

A Message from the Council by Mr Walthoe.

That they have agreed to the Bill, entitled, *An Act to dock the Entail of certain Lands whereof William Seward is seized, and for other Purposes therein mentioned.*

On a Motion made,

Ordered, That Leave be given to bring in a Bill For paying the Burgeesses Wages in Money for this present Session of Assembly; and it is referred to Mr Cary to prepare and bring in the same.

Mr Cary presented to the House, according to Order, a Bill For paying the Burgeesses Wages in Money for this present Session of Assembly; and the same was read the first Time, and ordered to be read a second Time.

On a Motion made,

The said Bill was read a second Time, and ordered to be engrossed and read a third Time.

Mr Attorney presented to the House, according to Order, a Bill To amend the Act, entitled, *An Act to explain the Charter, and enlarge the Privileges of the Borough of Norfolk, and for other Purposes therein mentioned*; also one other Act entitled, *An Act for enlarging and ascertaining the Limits of the Borough of Norfolk, and for other Purposes therein mentioned*; and the same was read the first Time, and ordered to be read a second Time.

On a Motion made,

The said Bill was read a second Time, and ordered to be engrossed and read a third Time.

And then the House adjourned until Tomorrow Morning Eleven o'Clock.

Tuesday, the 6th of April. 2 Geo. III. 1762.

AN engrossed Bill, entitled, *An Act to prevent Mutiny and Desertion*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr Cary do carry the said Bill to the Council for their Concurrence.

An engrossed Bill, entitled, *An Act to amend an Act, entitled, An Act to explain the Charter, and enlarge the Privileges of the Borough of Norfolk, and for other Purposes therein mentioned*; also one other Act, entitled, *An Act for enlarging and ascertaining the Limits of the Borough of Norfolk, and for other Purposes therein-mentioned*; was read a third Time, and the Blanks therein filled up.

Resolved, That the Bill do pass.

Ordered, That Mr Bradley do carry the said Bill to the Council for their Concurrence.

An engrossed Bill, entitled, *An Act for paying the Burgeesses Wages in Money for this present Session of Assembly*, was read a third Time.

Resolved, That the Bill do pass.

Ordered, That Mr Cary do carry the said Bill to the Council for their Concurrence.

Several Claims of John Pride, Richard Jones, William Pegrem, Thomas Munday and Ambrose Greenhill, were severally presented to the House and received.

Ordered

¹ Hening, VII, p. 502.

² Ibid., VII, p. 514.

³ Ibid., VII, p. 510.

⁴ Ibid., VII, p. 502.

⁵ Ibid., VII, p. 510.

⁶ Ibid., VII, p. 508.

¹⁴ *Ordered*, That the said Claims be referred to the Consideration of the next Session of Assembly.

On a *Motion* made,

Resolved, That the several Sums following be paid to the several Officers of the General Assembly, respectively:

To <i>John Randolph</i> , Esq; Clerk of the House of Burgeffes.....	£ 60		
To <i>Nathaniel Walihoe</i> , Esq; Clerk of the General Asssembly.....	30		
To the Reverend Mr <i>William Yates</i> , Chaplain,.....	15		
To Mr <i>Francis Eppes</i> , Sergeant at Arms.....	20		
To Mr <i>George Davenport</i> , for his Services,.....	5		
To the Doorkeeper of the Council.....	5		
To <i>James Lavie</i> ,	Doorkeepers to the House {	5
To <i>Thomas Francis</i> ,	5
To <i>Nathaniel Hix</i> ,	5
To <i>John Broadrib</i> ,	5

Ordered, That the said Resolve be engrossed, and that Mr Cary do carry it up to the Council for their Concurrence.

A *Message* from the Council was delivered by Mr Walthoe.

That they have agreed to the Bill, entitled, An Act¹ for granting an Aid to his Majesty, and for other Purposes therein mentioned.

Also to the Bill, entitled, An Act² to amend an Act, to explain the Charter, and enlarge the Privileges, of the Borough of Norfolk, and for other Purposes therein mentioned; also one other Act, entitled, An Act for enlarging and ascertaining the Limits of the Borough of Norfolk, and for other Purposes therein mentioned.

Also to the Bill, entitled, An Act³ for paying the Burgesses Wages in Money for this present Session of Assembly.

Also to a Bill, entitled, An Act⁴ for preventing Mutiny and Desertion.

Also to the Resolve of this House, For paying the respective Officers of the General Assembly the several Sums of Money therein mentioned.

And to the Resolve, For giving £ 100 to the Tuskarora Indians.

Ordered, That a Committee be appointed to examine the enrolled Bills of the following Persons: Mr William Digges, Mr Carrington, Mr John Fleming, Mr Henry Lee, Mr Cabbell and Mr Claiborne.

A *Petition* of Robert Willis, setting forth that he hath been a Soldier many Years; that he is very infirm, and unable to provide for himself and Family; and praying the Consideration of this House, was presented to the House and read; and the Question being put that the said Petition be referred to a Committee,

It passed in the Negative.

Ordered, That the said Petition be rejected.

And then the House adjourned until Tomorrow Morning, Eleven o'Clock.

Wednesday, the 7th of April. 2 Geo. III. 1762.

A *Petition* of Leonard Price, setting forth that during the Campaign in 1760 he, by Colonel Byrd's Orders, acted as Adjutant to the 700 additional Forces raised for the Relief of Fort Loudoun and Protection of the southern Frontiers; that as the said Additional were all raw and undisciplined, he found the Discharge of his Office very troubleome; that as your Petitioner is advised there is no Fund established by Act of Assembly for Payment of such an Officer, humbly prays this

¹ Henning, VII, p. 495.

² *Ibid.*, VII, p. 510.

³ *Ibid.*, VII, p. 508.

⁴ *Ibid.*, VII, p. 502.

this House will take his Services into Consideration, and allow him the usual Pay of an Adjutant for the Time he did that Duty; was presented to the House and read. 15

Ordered, That the said *Leonard Price* be allowed the Sum of £ 36-8-0.

Mr *William Digges* reported that the Committee appointed had, according to Order, examined the enrolled Bills, and rectified such Mistakes as were found therein; and that they were truly enrolled.

Ordered, That he carry the said Bill to the Council for their Inspection.

A Message from the Council by Mr *Walthoe*.

That they have inspected the enrolled Bills, and are satisfied they are truly enrolled.

A Message from the Governour was delivered by Mr *Walthoe*.

Mr *Speaker*

The Governour commands the immediate Attendance of your House in the Council Chamber, and that you bring with you such Bills and Resolves as are ready for his Assent.

Mr *Speaker* with the House went up accordingly, and the Governour was pleased to give his Assent to the following Bills:

1 *An Act for granting an Aid to his Majesty, and for other Purposes therein mentioned.*

2 *To prevent Mutiny and Desertion.*

3 *For altering the Court Days of the Counties of Prince William and Louisa.*

4 *To amend an Act, entitled, An Act to explain the Charter, and enlarge the Privileges, of the Borough of Norfolk, and for other Purposes therein mentioned; also one other Act, entitled, An Act for enlarging and ascertaining the Limits of the Borough of Norfolk, and for other Purposes therein mentioned.*

5 *To empower the Vestries of the Parishes of Drysdale, in the Counties of Caroline and King and Queen, and of St. Stephen, in the said County of King and Queen, to sell their Glebes, and to lay out the Money in purchasing more convenient Glebes.*

6 *To dock the Entail of certain Lands whereof William Seward is seized, and for other Purposes therein mentioned.*

7 *For paying the Burgeesses Wages in Money for this present Session of Assembly.*

His Honour likewise gave his Assent to the following Resolves:

1 *For paying the several officers of the General Assembly the respective Sums of Money therein mentioned.*

2 *For paying Lieutenant Thomas Gift the Sum of £ 100.*

3 *For paying Joseph Royle, Printer to the Publick, a Salary of £ 350 a Year.*

4 *For paying the Sum of £ 100 to the Tuskarora Indians.*

And then his Honour was pleased to make the following Speech:

Gentlemen of the Council, Mr Speaker, and Gentlemen of the House of Burgeesses,

The Cheerfulness and Alacrity with which you have so generously provided for the raising another Regiment for his Majesty's Service, immediately after the disbanding the old One, and entered into every Measure recommended to you, must at once convince the World of your Judgment and Spirit; confirm the Character the Virginians have long born of being loyal, faithful and dutiful, Subjects; and render you dear to your royal Sovereign. This Conduct, which I shall not fail to represent in its true Light to his Ministers, demands my Thanks in the Name of my most gracious Master; which, from this Seat, where more particularly than elsewhere I have the Honour to be his Representative, I now publickly give you with great Cordiality. 16

The

¹ Hening, VII, p. 495.

² *Ibid.*, VII, p. 502.

³ *Ibid.*, VII, p. 509.

⁴ *Ibid.*, VII, p. 510.

⁵ *Ibid.*, VII, p. 513.

⁶ *Ibid.*, VII, p. 514.

⁷ *Ibid.*, VII, p. 508.

The Harmony that subsists between us is a Source of great Satisfaction to me, on which I could expatiate largely, were this a proper Place or Time for it; and may God increase it in our Hearts, for the Service of our King, the Interest of our Country, and the Happiness of us all.

As I propose to call you together towards the End of the Year, to consider of the State of this Colony, and to provide for the future Well being of it, by enacting such wholesome Laws as may tend to the well governing and Improvement thereof, I shall not now detain you here, to the Detriment of your own private Affairs, but shall prorogue you, and you are accordingly prorogued, to the last Tuesday in June next.



JOURNAL
of the
HOUSE OF BURGESSES

1762

November Session



Burgeffes.

Accomac	Southey Simpfon Thomas Parramore	Hanover	Nathaniel Weft Dandridge John Syme
Albemarle	Thomas Walker *John Fry	Henrico	Bowler Cocke Philip Mayo
Amelia	David Greenhill *Thomas Tabb	Isle of Wight	James Bridger *Jofeph Bridger
Amherft	William Cabell *Cornelius Thomas	James City	Lewis Burwell Philip Johnfon
Augufta	John Wilfon Ifrael Chriftian	Jameftown	Edward Champion Travis
Bedford	William Callaway *John Talbot	King & Queen	John Pendleton John Robinfon
Brunfwick	William Thornton Ifaac Rowe Walton	King George	Charles Carter Charles Carter, Jr.
Buckingham	Robert Bolling, Jr. Jofeph Cabell	King William	Bernard Moore Carter Braxton
Caroline	John Baylor Edmund Pendleton	Lancafter	Charles Carter *Richard Mitchell
Charles City	Benjamin Harrifon William Kennon	Loudoun	Francis Lightfoot Lee James Hamilton
Chefterfield	Archibald Cary Richard Eppes	Louifa	William Johnfon Thomas Johnfon
The College	Mann Page	Lunenburg	Henry Blagrove Clement Reade
Culpeper	John Field *James Barbour	Middlefex	John Smith Ralph Wormeley
Cumberland	George Carrington John Fleming	Nanfemond	Willis Riddick Lemuel Riddick
Dinwiddie	Robert Bolling *Leonard Claiborne, Jr.	New Kent	Burwell Baffett *Richard Adams
Elizabeth City	William Wager George Wythe	Norfolk	William Bradley Thomas Yeal
Effex	John Lee John Upshaw	Norfolk Borough	Jofeph Hutchings
Fairfax	George Johnfton John Weft	Northampton	John Harmanfon Thomas Dalby
Fauquier	Thomas Harrifon Thomas Marfhall	Northumberland	Richard Hull *Spencer Ball
Frederick	George Wafhington George Mercer	Orange	James Taylor James Walker
Gloucefter	Thomas Whiting John Page	Prince Edward	Peter Legrand *Abner Nafh
Goochland	John Payne *Jofias Payne	Prince George	Richard Bland Richard Bland, Jr.
Halifax	Nathaniel Terry *Robert Wade	Prince William	John Baylis Henry Lee
Hampfhire	James Mercer Thomas Rutherford	Princefs Anne	Edward Hack Mofeley *Anthony Walke

*Not fhown by the Journal to have been prefent during the Affembly.

Richmond	John Woodbridge Landon Carter	Suffex	*David Mafon *John Edmunds
Southampton	Joseph Gray *Benjamin Symmons	Warwick	William Harwood William Digges
Spotfylvania	Fielding Lewis *Benjamin Grymes	Westmoreland	Richard Henry Lee Richard Lee
Stafford	William Fitzhugh *Thomas L. Lee	Williamsburg York	Peyton Randolph Dudley Digges
Surry	Hartwell Cocke Thomas Bailey		Thomas Nelson, Jr.

*Not shown by the Journal to have been present during the Assembly.

Changes in the Personnel, 1762.

November Session

Hampshire	James Mercer succeeded James Keith
New Kent	Burwell Bassett succeeded Gill Armistead
Surry	Thomas Bailey succeeded Henry Browne

JOURNAL

of the

HOUSE OF BURGESSES

Tuesday, the 2nd of November, 3 Geo. III. 1762.

A *Message from the Governour was delivered by Mr Walthoe.*
Mr Speaker, and Gentlemen of the House of Burgeses,
The Governour commands the immediate Attendance of your House in the
Council Chamber.

Accordingly Mr *Speaker*, with the House, went up to attend the Governour;
 And being returned, reported that the House had attended the Governour in the Council Chamber; and that his Honour was pleased to make a Speech to the Council and this House, of which he had (to prevent Mistakes) obtained a Copy, which he read in his Place, and afterwards delivered in at the Table, where it was again twice read, and is as follows:

Gentlemen of the Council, Mr Speaker, and Gentlemen of the House of Burgeses.

I have called you together pursuant to my last Prorogation, that you may now enter upon the usual Business of the Country, and provide for the future Safety and Well being thereof, by enacting such Laws as to you shall seem most expedient for that salutary Purpose. It is the Duty of every Member of the Legislature, during the Recesses of General Assembly, to consider the present State of the Colony, and the Means which may be further necessary to improve it: If this is a Truth not to be controverted, it becomes more particularly the Duty of those Men to whose Care his Majesty has entrusted the Administration of the Affairs Government in his Provinces; and while I have the Honour of sitting in this Seat, I hope I shall never think that any Thing can absolve me from the Discharge of this important Part of my Office.

The first Thought which, under our present Circumstances, will naturally present itself to every Man who has in the least reflected on these Matters, in the Scarcity of Bullion, both Gold and Silver, most notoriously prevalent at this Time in this Colony. Whether this is owing to the Operation of any Law now actually in Force, or whether it is owing to the Want of some new Law to remedy this Evil and produce the desired Effect, in either Case it seems to call upon you for your most serious Consideration; and I recommend it to you in this Light, but with this very necessary Precaution, of which I hope you will never lose Sight, that it is not to be done in Haste, upon loose unconsidered Principles, or without the most mature Deliberation. It is even better to sustain the Inconveniences we at present feel than to attempt to seek Relief by Remedies which are not to undergo the most strict Examination, and severe Scrutiny; for, by long Experience of Men much conversant in those Speculations, it has been found that the meddling with the Mediums of Trade and Commerce, whether it be Bullion or Paper, is of a most delicate Nature, and is often attended with a long Train of very distant Consequences, not always obvious to a Man of the greatest Sagacity at the Time of making Laws relating thereto.

Another

Another Thing I would recommend to you is the preparing some Bill to regulate the Trade with the Cherokee Indians. Governour Boone has represented this to me in so judicious and equitable a Light, in a Letter which I shall now lay before you, and sent me in the Copy of an Act passed in his Assembly, which appears to me to be so well calculated to answer the Purpose, that I cannot do better than wish you to follow such an Example. This Measure, in all human Probability, will prevent the trading Jealousies too apt to arise between neighbouring Colonies, and the Dangers to be feared from the imprudent Conduct of private Traders.

To take Care of the Interest of the Colony during the Summer, I have, by and with the Advice of his Majesty's Council, provided for it in the best Manner I Have been able, by laying an Embargo on Ships loaded with Tobacco and prohibiting the Exportation of Indian Corn: By the first the Property of the Planters has been endeavoured to be secured, until some Ship of Force belonging to his Majesty should arrive to supply the Place of those which the Necessity of the Times called from us, and to protect it (which Event has now happened) by the second the Cries of the Poor have been stopped, and the exorbitant Price to which that Grain seemed likely to rise been checked. A Sloop has also been hired and fitted out to protect the Shipping within the Capes from the Insults of small Privateers, which owed their Security to their Size: This prevented their being followed into shoal Waters in which they could fail with Safety, by his Majesty's Ship under the Command of William Manwaring, Esq; stationed on this Coast. In justice to this Gentleman, it is requisite I should inform you of his Readiness to assist us on this Occasion, by lending Men, without which we should not have been able to have manned our Sloop. As the Fund of 2 s. per Hogshhead for the Support of Government is in a low State, I shall leave it with you to determine whether the Country will not take upon itself the Payment of the Expence, which cannot be great, of a Measure entered into for the Good of the whole Community.

Gentlemen,

It is with the highest Degree of Satisfaction that I have it in my Power to acquaint you that I stand charged to communicate to you his Majesty's Approbation of the Conduct of this Colony, and his gracious Acceptance of your Zeal and Attachment to his Service, transmitted to me in Letters from one of his principal Secretaries of State, and his Commander in Chief on this Continent; which I shall immediately lay before you. From my own Feelings, I am thoroughly convinced that the Honour now done you must very sensibly affect every Man who had a Share in promoting the Service of a King so ready to acknowledge it, and inspire him with a strong Desire to continue to merit the royal Approbation. This affords me a proper Occasion to make Mention of the Regiment, which stands provided for but for a short Time: As the Men are now extremely well clothed, and are victualled by the Crown, so that the Pay for a few Months is the only Object, I should recommend it to you, merely as a Matter of Prudence, to keep them on Foot; as I have now, by frequent Experience of your inviolable Attachment to his Majesty and his Service, found, that you would raise them at a much larger Expence, if his Majesty should earnestly require it. Such an Opinion has your constant and uniform Conduct raised in me of your Zeal to support the Good of the common Cause; and when you consider the Letters from Sir Jeffery Amherst on this Subject, I make no Doubt but you will agree with me in the Prudence of this Step.

I have also the Pleasure to inform you that the Account with the Crown of the Expenses of this Colony for the Year 1760 has been settled with Sir Jeffery Amherst, and the Balance found due to the Colony by the Auditors of the Crown Accounts settled at, 18, 617 £ 4s. 1 d. of which Sum I have already received and paid into the Treasury 18,351 £ 4 s. 9 d. and daily expect the Payment of the small Balance remaining now due.

To complete the Happiness of the British Nation, Heaven has been graciously pleased to send us an Heir to his Majesty's Crown and Virtues; which has been notified to me by the Earl of Egremont, with the pleasing Circumstances that her Majesty and the young Prince were in as perfect Health as can be expected or wished, of which happy Event I most sincerely congratulate you.

Mr

Mr Speaker, and Gentlemen of the House of Burgeffes,

From the pleasing Prospect which now begins to open itself to our View, there is at least Room to hope that the Expense of every Article now recommended to you, if they should meet with your Concurrence, will not be great, or of long Duration; and in the providing for them, I am firmly persuaded that you will take the Means least liable to Exception, and least prejudicial to the Inhabitants.

Gentlemen of the Council, and of the House of Burgeffes,

The Honour you have already acquired is great; and for the Regard I bear the Colony, let me recommend it to you to pursue your Course, until you arrive at the Goal which seems to be now in your View. The Business I have mentioned to you will require much Attention, therefore it will be requisite you should set about it with Diligence, and Unanimity; which I make no Doubt but you will do, as such a Conduct must meet with the Approbation and Praise of your Country.

Resolved, That an humble Address be presented to his Honour the Governour, to return him our Thanks for his kind Speech at the Opening of this Session; to congratulate with him on the Birth of an Heir to the Throne of *Great Britain*, and the Dominions thereunto belonging; to express our Satisfaction that his Majesty has been pleased to accept our Services in a Manner suitable to our Intentions, and to assure him that Affection and Loyalty will influence all our future Actions.

Ordered, That a Committee be appointed to draw up an Address to the Governour, pursuant to the said Resolution; and it is referred to *Mr Attorney* and *Mr Cary* to prepare and bring in the same.

Resolved, That this House will take the Governour's Speech into Consideration Tomorrow.

Mr Speaker reported that the Governour had delivered to him the several Letters mentioned in his Speech, which he had desired him to lay before the House.

And the said Letters were read, and ordered to lie on the Table.

Ordered, That an Address be made to the Governour to order a new Writ to issue for electing a Burgess to serve in this present General Assembly for *Hampshire*, in the Room of *Mr Keith*, who, since his Election, hath accepted of the Office of Clerk of a County; and that *Mr Richard Henry Lee* do wait on his Honour with the said Address.

Ordered, That an Address be made to the Governour, to order a new Writ to issue for the electing a Burgess to serve in this present General Assembly for the County of *New Kent*, in the Room of *Mr Armistead*, deceased; and that *Mr Benjamin Harrison* do wait on his Honour with the said Address.

Ordered, That an Address be made to the Governour, to order a new Writ to issue for the electing a Burgess to serve in this present General Assembly for the County of *Surry*, in the Room of *Mr Brown*, deceased; and that *Mr Hartwell Cocke* do wait on his Honour with the said Address.

Ordered, That the Reverend *Mr William Yates* be continued Chaplain to this House, and that he attend to read Prayers every Morning at 10 o'Clock.

Ordered, That the several Doorkeepers be continued in their respective Offices, and that they give their Attendance accordingly.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Wednesday, the 3rd of November, 3 Geo. III. 1762.

THE Order of the Day being read, for the House to take into Consideration the Governour's Speech,

Resolved, That this House will resolve itself into a Committee on the said Speech Tomorrow.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Thursday

Thursday, the 4th of November. 3 Geo. III. 1762.

MR Attorney reported that the Committee appointed had, according to Order, prepared an Address to the Governour; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, and is as follows:

Sir,

We his Majesty's most dutiful and loyal Subjects, the Burgeesses of Virginia, now met in General Assembly, return your Honour our sincere Thanks for your kind Speech at the Opening of this Session.

We heartily congratulate with you on the Birth of an Heir to the Throne of Great Britain: May the Sceptre, when it shall descend into his Hands, be used as it has been by his Ancestors, to obtain Glory and Felicity to the Crown and his People.

Permit us, Sir, to express our Satisfaction that his Majesty has been pleased to accept our Services in a Manner so suitable to our Intentions, and to assure you that the warmest Affection and Loyalty shall influence all our future Actions.

Ordered, That the said Address be fairly transcribed, and presented by the whole House.

Ordered, That the Committee which prepared the same wait on the Governour, to know his Pleasure when the House shall attend his Honour to present it.

A *Petition* of *William Talbot*, setting forth that in the Year 1755 he lifted in the *Virginia Regiment*, and served as a *Sergeant* therein until the Year 1758, when in *Col. Grant's* Engagement, near *Fort Duquesne*, he received a Wound in his right Arm, which has rendered him incapable of hard Labour; that he was then taken Prisoner, and carried by the *Indians* to *Fort d'Etroit*, where he endured a severe Captivity of 15 Months; when he was delivered up by the *Indians*, and rejoined the Regiment, in which he continued faithful in Duty until *March* last, when the Regiment was broke, and among others was discharged; and praying the Consideration of the House, was presented to the House and read.

Ordered, That the said *Petition* be referred to *Mr Pendleton* and *Mr Richard Henry Lee*; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Ordered, That a Committee of Privileges and Elections be appointed, of the following Persons:

Mr Attorney,
Mr William Digges,
Mr Benjamin Harriſon,
Mr John Page,
Mr Dudley Digges,

Mr Bland,
Mr Wythe,
Mr Richard Henry Lee,
Mr Edmund Pendleton,
Mr Whiting,
Mr Lemuel Riddick,
Mr Mann Page.

And that they are to meet and adjourn from Day to Day, and to examine in the first Place all Returns of Writs for electing Burgeesses to serve in this present General Assembly, and to compare the same with the Form prescribed by Law; and to take into their Consideration all such Matters as shall or may come in Question touching Returns, Elections and Privileges; and to report their Proceedings, with their Opinions thereon, from Time to Time, to the House. And the said Committee are to have Power to send for Persons, Papers and Records, for their Information.

Ordered

Ordered, That a Committee of Propositions and Grievances be appointed of the following Persons:

Mr Attorney-General,

<i>Mr Bland,</i>	<i>Mr Lemuel Reddick,</i>
<i>Mr Cary,</i>	<i>Mr Fitzhugh,</i>
<i>Mr Edmund Pendleton,</i>	<i>Mr Moseley,</i>
<i>Mr William Digges,</i>	<i>Mr Francis Lee,</i>
<i>Mr Benjamin Harrison,</i>	<i>Mr George Johnston,</i>
<i>Mr Wythe,</i>	<i>Mr Robert Bolling,</i>
<i>Mr Burwell,</i>	<i>Mr Philip Johnson,</i>
<i>Mr Charles Carter (King George.),</i>	<i>Mr Mann Page,</i>
<i>Mr Richard Henry Lee,</i>	<i>Mr Robert Bolling, Jun.,</i>
<i>Mr John Page,</i>	<i>Mr Lewis,</i>
<i>Mr Dudley Digges,</i>	<i>Mr Richard Bland, Jun.,</i>
<i>Mr Fleming,</i>	<i>Mr John Smith,</i>
<i>Mr James Taylor,</i>	<i>Mr Dandridge,</i>
<i>Mr Whiting,</i>	<i>Mr Mercer,</i>
	<i>Mr Kennon.</i>

And they are to meet and adjourn from Day to Day, and to take into their Consideration all Propositions and Grievances that shall come legally certified to this Assembly; and to report their Proceedings, with their Opinions thereon, from Time to Time, to the House. And all such Propositions and Grievances are to be delivered to the Clerk of the House, and by him to the said Committee of Course; and the said Committee are to have Power to send for Persons, Papers and Records, for their Information.

Ordered, That a Committee of Publick Claims be appointed, of the following Persons:

Mr Archibald Cary.

<i>Mr Richard Lee,</i>	<i>Mr Willis Reddick,</i>
<i>Mr Wilson,</i>	<i>Mr John Lee.</i>
<i>Mr Thornton,</i>	<i>Mr Hull,</i>
<i>Mr Hartwell Cocke,</i>	<i>Mr Walton,</i>
<i>Mr Travis,</i>	<i>Mr Callaway,</i>
<i>Mr Christian,</i>	<i>Mr Bradley,</i>
<i>Mr West,</i>	<i>Mr Upshaw,</i>
<i>Mr J. Payne,</i>	<i>Mr Harmarfon,</i>
	<i>Mr Harwood.</i>

And they are to meet and adjourn from Day to Day, and to take into their Consideration all publick Claims referred from the last to this Session of Assembly, and also all such Claims as shall be regularly certified and presented to this Session; and to report their Proceedings, with their Opinions thereon, to the House, when they have gone through the said Claims. And all Persons that have any Claims are to deliver them to the said Committee, of Course; and they are to have Power to send for Persons, Papers and Records, for their Information.

Ordered, That a Committee for Courts of Justice be appointed, of the following Persons:

Mr Edmund Pendleton,

<i>Mr Wythe,</i>	<i>Mr Field,</i>
<i>Mr Le Grand,</i>	<i>Mr J. Pendleton,</i>
<i>Mr Thomas Harrison,</i>	<i>Mr Mayo,</i>
<i>Mr James Taylor,</i>	<i>Mr J. Bridger,</i>
	<i>Mr James Walker.</i>

And they are to meet and adjourn from Day to Day, and to take into their Consideration all Matters relating to Courts of Justice, and such other Matters as shall from
Time

Time to Time be referred to them; and report their Proceedings, with their Opinions thereon, to the House. And the said Committee are to inspect the Journals of the 7th Session of the last General Assembly, and the 1st, 2^d and 3^d, Sessions of this present General Assembly; and draw up a State of the Matters then depending and undetermined, and the Progress that was made therein, and report the same to the House: That they do also examine what Laws have expired since the last Session, and inspect such temporary Laws as will expire with the End of this Session, or are near expiring; and report the same to the House, with their Opinions which of them are fit to be revived and continued.

Ordered, That a Committee of Trade be appointed of the following Persons:

<i>Mr Moseley,</i>	<i>Mr Marshall,</i>
<i>Mr Christian,</i>	<i>Mr Hamilton,</i>
<i>Mr Upshaw,</i>	<i>Mr Blagrove,</i>
<i>Mr Whiting,</i>	<i>Mr Hutchings,</i>
<i>Mr Lemuel Riddick,</i>	<i>Mr Veal,</i>
<i>Mr Simpson,</i>	<i>Mr Bradley,</i>
<i>Mr Greenhill,</i>	<i>Mr Lewis,</i>
	<i>Mr John Smith.</i>

And they are to meet and adjourn from Day to Day, and to take into their Consideration all Things relating to the Trade of this Colony, and all Matters that shall be from Time to Time to them referred; and to report their Proceedings, with their Opinions thereon, to the House. And the said Committee are to have Power to send for Persons, Papers and Records, for their Information.

Ordered, That *Mr George Davenport* be continued Clerk to the Committees of Privileges and Elections, and Propositions and Grievances; *Mr Miles Cary*, Clerk to the Committee of Claims; *Mr Thomas Everard*, Clerk to the Committee for Courts of Justice; and *Mr Hind Ruffell*, to the Committee of Trade; and that they give their Attendance accordingly.

On a *Motion* made,

Ordered, That the Letters received by the Committee of Correspondence from *Edward Montague*, Esq; and all their Proceedings, be laid before the House.

A *Petition* of *Sarah Lovell*, setting forth that in the Year 1748 her Husband *Richard Lovell* enlisted as a Soldier in the *Virginia* Regiment; in which Service he was taken sick and died, leaving her and two Children in a very destitute Condition; that whilst she was able she used the utmost of her Power to maintain them, but being seized with a Distemper in her Mouth, by which she has lost the whole of her under Jaw, is rendered entirely incapable of continuing that Support as formerly; that she applied to the Vestry of the Parish in which she lives for Relief, but without Effect; and praying that this House will take her forlorn Condition into Consideration, and grant her such Relief as shall be thought reasonable, was presented to the House and read; and the Question being put that the said Petition be referred to a Committee,

It passed in the Negative.

Resolved, That the said Petition be rejected.

A *Petition* of *William Ingles*, praying that a Ferry may be established on his Land, over the *New River*, near the *Dunkers* Bottom; that the said Ferry will be very convenient to the Inhabitants beyond the *New River*, and to all Persons concerned in trading with the *Cherokees* from this Colony.

Also a *Petition* of *William Tyler*, setting forth, by an Act of Assembly made in the 33^d Year of the Reign of his late Majesty King *George II*, a publick Ferry was appointed to be kept by the said *Tyler*, from his Landing, in the County of *Westmoreland*, over *Potowmack*, to *Cedar Point*, in the Province of *Maryland*, at the Rates in the said Act mentioned; that the Petitioner hath ever since supported the said Ferry at a great Expence

Expence, but finds it impracticable to continue it any longer at the low Rates allowed by the said Act; and praying the Consideration of this House.

Also a *Petition* of *John Bailey*, Guardian of *Jeremiah Garland Bailey*, Son and Heir of *Stephen Bailey*, deceased, and sundry Inhabitants of the County of *Westmoreland*, setting forth that the Ground whereon *Yeocomico* Warehouses now stand being originally one Acre, the Property of the said Infant, is now by the washing of the Shore so reduced that there scarcely remains Room enough to place new Houses, which are immediately wanting, as the old ones are entirely gone to Decay, and by the said washing of the Land the Water is become shallow, and the Landing thereby greatly injured; and praying that an Act may pass to enable the said Bailey to build new Warehouses at a Place called the *New Landing*, which is the Property of the said Infant; were severally presented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

A *Petition* of *John Gatewood* and others, Legatees, claiming under the Will of *John Gatewood*, deceased, setting forth that in *January 1761* *Tom*, a Negro Man Slave belonging to the said Legatees, was apprehended and committed to the Gaol of the said County, with another Negro for Burglary: On the Trial the other Fellow confessed the Fact, and said *Tom* was with him aiding and assisting, he was condemned and suffered Death; but *Tom* artfully denied the Whole, and there being no sufficient Proof against him, escaped with only corporal Punishment, but by the Inclemency of the Weather while in Prison was so frost bitten, notwithstanding all possible Care was taken of him, that his Legs were cut off, and he in a short Time after died; and praying the Consideration of the House, was presented to the House, and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

Several Claims of *John Coombes*, *Robert Long*, *Benjamin Burchen*, *Charles Harris*, *William Hammond*, *James Breedlove*, *Tandy Dix*, *William Wright*, *Benjamin Collier*, *William Perkinson*, *William Bates* and *Samuel Faucet*, for taking up Runaways therein mentioned.

10 Also a Claim of *John Hickie*, for Provisions found by him for Capt. *Wade's* Company and several *Indians*, were severally presented to the House and received, and referred to the Consideration of the Committee of Claims.

Ordered, That the Consideration of the Governour's Speech be put off until *Monday*. And then the House adjourned until Tomorrow Morning 11 o'clock.

Friday, the 5th of November, 3 Geo. III. 1762.

A *Petition* of *John Buchanan*, praying that a Ferry may be established on his Land in *Augusta*, instead of the Land of *William Ingles*, was presented to the House, and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances, that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

Two Claims of *John James*, for taking up Runaways therein mentioned, were severally presented to the House and received, and referred to the Consideration of the Committee of Claims.

Mr *Pendleton* reported that the Persons to whom the Petition of *William Talbot* was referred have examined into the Allegations thereof, and find them to be true, and have come to the following Resolutions thereon; which he read in his Place, and then delivered in at the Table, where it was twice read, and agreed to by the House, as follows:

Resolved

Resolved, That the said *William Talbot* ought to be paid the Sum of £60 by the Publick, in Consideration of the Wounds he received in the Service of this Colony, and the Hardships he endured in his Captivity.

Ordered, That it be an Instruction to the Committee of Claims to make an Allowance to the said *Talbot* in the Book of Claims, pursuant to the said Resolution.

Mr *Attorney* reported that the Committee had, according to Order, waited on the Governour to know his Pleasure when this House should attend him with their Address and that he was pleased to appoint this Day; and to say he would signify by a Message to the House when he was ready to receive it.

Mr *Edmund Pendleton*, from the Committee of Courts of Justices, reported that the said Committee had, according to Order, inspected the Journals of the 7th Session of the last General Assembly, and the 1st, 2^d and 3^d, Sessions of this present General Assembly; and have prepared, and drawn up, a State of the Matters then depending and undetermined, and the Progress that was made therein; and had agreed on a Report, which he read in his Place, and then delivered in at the Table, where the same was again read, and is as follows:

That a *Petition* of fundry Inhabitants of the County of *Hampshire*, praying that an Act may be passed for establishing a Town on the Land of the Right Honourable the Lord *Fairfax*, in that County, called *Tucker's* Plantation, was presented to the House, and read, and referred to the Consideration of the next Session of Assembly.

That it appears to this Committee that the *Petition* of fundry Inhabitants of the Counties of *James* and *Charles City*, praying that the Warehouses for the Inspection of Tobacco at *Hog Neck* may be discontinued, being very inconvenient to Navigation, and that new Warehouses in the Stead thereof may be established at *Barrett's* Ferry on the Mouth of *Chickahomony* River.

Also a *Petition* of fundry Inhabitants of *James City* County, in Opposition thereto. 11

Also a *Petition* of fundry Inhabitants of the Counties of *James City* and *Surry*, and other Places on *James* River, praying that publick Warehouses for the Inspection of Tobacco may be established at *James Town*, on the Land of *John Ambler*, Esq; as a Place very convenient to the Planter and Shipper, and particularly in Case of relanding Tobacco after Inspection and shipping, which frequently happens there.

Also a *Petition* of fundry Inhabitants of the Parish of *Accomack*, in the County of *Accomack*, praying that the said Parish may be divided.

Also a *Petition* of fundry Inhabitants of the said Parish, in Opposition thereto.

Also a *Petition* of fundry Inhabitants of the Parish of *Frederick*, in the County of *Frederick*, praying that the said Parish may be divided.

Also a *Petition* of fundry Inhabitants of the lower End of *St. Mary's* Parish, in the County of *Caroline*, praying that part of the said Parish may be added to the Parish of *St. David's*, in the County of *King William*.

Also a *Petition* of fundry Inhabitants of the said Parish of *St. David's*, to the same Purpose.

Also a *Petition* of fundry Inhabitants of the County of *King* and *Queen*, praying that a Town may be established at *Todd's* Warehouses, in the said County, were referred to the Committee of Propositions and Grievances, to examine into the Allegations thereof and report the same, with their Opinions thereon; that the said Committee reported, and which was agreed to by the House, that the said *Petition* ought to be referred to the Consideration of the next Session of Assembly.

That a *Petition* of fundry Inhabitants of the Counties of *Amherst* and *Buckingham*, setting forth that before their Division from the County of *Albemarle*, a complete Set of Weights and Measures of the *English* Standard had been purchased for the Use of the County, of which they paid their proportionable Part; and praying that the Inhabitants of the said County of *Albemarle* may be obliged to reimburse them, was presented to the House and read, and referred to the Consideration of the next Session of Assembly.

That a *Petition* of fundry Merchants on *Rappahannock* River, complaining that they are greatly imposed on by a Sort of Men called Pilots, who exact exorbitant Fees; and praying

praying that a late Act of Affembly for eftablifhing the Rates of Pilotage, which expired fome time ago, may be revived.

Alfo a *Petition* of fundry Inhabitants of the Parifh of *St. Anne*, in the County of *Albemarle*, fetting forth that before the Lines were run for dividing the faid County purfuant to a late Act of Affembly, and without any Notice given, the Sheriff of the faid County affembled a few of his Neighbors to elect a Veftry for the faid Parifh, and accordingly they elected a Veftry, feveral of whom were neither Freeholders or Houfekeepers there; and praying that the faid Veftry may be diffolved, were prefented to the Houfe and read, and referred to the Confideration of the next Seflion of Affembly.

That a *Petition* of Mr *James Wallace*, complaining of an undue Election and Return of Mr *William Wager* to ferve as a Burgefs in this prefent General Affembly for the County of *Elizabeth City*.

Alfo a *Petition* of Mr *John Leigh*, complaining of an undue Election and Return of Mr *Peter Le Grand* to ferve as a Burgefs in this prefent General Affembly for the County of *Prince Edward*.

¹² Alfo a *Petition* of Mr *John Clack*, complaining of an undue Election and Return of Mr *Isaac Row Walton* to ferve as a Burgefs in this prefent General Affembly for the County of *Brunfwick*.

Alfo a *Petition* of Mr *Henry Peyton*, complaining of an undue Election and Return of Mr *John Baylis* and Mr *Henry Lee* to ferve as Burgeffes in this prefent General Affembly for the County of *Prince William*; were feverally prefented to the Houfe and read, and referred to the Committee of Privileges and Elections, to examine into the Allegations thereof, and report the fame, with their Opinions thereon, to the Houfe: That the faid Committee reported they had had under their Confideration the *Petition* of the faid Mr *Wallace* to them referred, and had come to feveral Refolutions thereon, which were read, and agreed to by the Houfe, as follows: That the Perfons who voted at the faid Election, whole Freeholds are queftioned either by the Petitioner or fitting Member, be examined on Oath before *John Tabb*, *Cary Seldon*, *Charles Jennings*, *George Wray*, *James Balfour*, *Jacob Wray* and *David Wilfon Curl*, of the faid County of *Elizabeth City*, Gentlemen, or any 3 of them, whether they be Freeholders or not, except fuch of them as did fwear to their Freeholds at the Election.

That the *Petitioner* and fitting Member be at Liberty to examine Witneffes before the fame Perfons as to the Freeholds or other Qualifications of any Perfon who voted at the faid Election, or fhall fwear to the fame at the Examination; and that it be an Inftruction to the Perfons before whom fuch Examinations are to be taken to examine how long fuch Voters have been in Poffeffion of, and paid Quitrents for, the Lands or Tenements in Right of which they voted at the Election, and that they return the Depofitions they fhall take to the next Seflion of Affembly.

That the *Petitioner* give the fitting Member 10 Days Notice of the time and Place when and where he intends to examine his Witneffes, alfo a Lift in Writing of the Names of the Voters he intends to except to, diftinguifhing againft each Name the feveral Heads of Exception, and that the fitting Member do the like to the Petitioner.

That as well the *Petitioner* as the fitting Member be at liberty to examine Witneffes before the fame Perfons as to the Sheriff's Agreement to defer clofing the Poll by the Confent of the Candidates, and afterwards to postpone it until Sunfetting, and as to his being informed before he clofed the Poll that 2 Freeholders were on their Way to the Courthoufe, and the Diftance they were from the Courthoufe when the Poll was clofed, and as to the Time when the Poll was clofed; and alfo to examine the Reverend Mr *Warrington*, and the 2 Freeholders above mentioned, and any other Witneffes, on Oath, as to their Intentions and Declarations to vote for any and which of the Candidates; and that the further Confideration of the faid *Petition* fhould be referred to the next Seflion of affembly.

The faid *Committee* alfo reported that they had had under their Confideration the *Petition* of the faid Mr *Leigh* to them referred, and had come to feveral Refolutions thereon; which were read, and agreed to by the Houfe, as follows:

That

That the *Persons* who voted at the said Election, whose Freeholds are questioned either by the Petitioner or fitting Member, be examined on Oath before *John Nash* the elder, *Thomas Scott*, *John Morton*, *Henry Watkins* and *Abner Nash*, of the said County of *Prince Edward*, Gentlemen; or any 3 of them, whether they be Freeholders or not, except such of them as did swear to their Freeholds at the Election.

That the *Petitioner* and fitting Member be at Liberty to examine Witneses before the same Persons as to the Freehold of any Person who voted at the said Election, or shall swear to the same at the Examination; and that it be an Instruction to the Persons before whom such Examinations are taken to examine how long such Voters have been in Possession of, and paid Quitrents for, the Lands or Tenements in the Right of which they voted at the Election; and that they return the Depositions they shall take to the next Session of Assembly. 13

That the *Petitioner* give to the fitting Member 10 Days Notice of the Time and Place when and where he intends to examine his Witneses, also a List in Writing of the Names of the Voters he intends to except to, distinguishing against each Name the several Heads of Exception; that the fitting Member do the like to the Petitioner, and that the further Consideration of the said Petition should be referred to the next Session of Assembly.

The said *Committee* also reported that they had had under their Consideration the Petition of the said Mr *Clack*, to them referred; and had come to several Resolutions thereon, which were read, and agreed to by the House, as follows:

That the *Persons* who voted at the said Election, whose Freeholds are questioned either by the Petitioner or fitting Member, be examined on Oath before *John Willis*, *Nathaniel Edwards*, *Nicholas Edmunds*, *Drury Stith* and *John Maclin*, of the County of *Brunswick*, Gentlemen, or any three of them, whether they be Freeholders or not, except such of them as did swear to their Freeholds at the said Election: That the Petitioner and fitting Member be at Liberty to examine Witneses before the same Persons, as to the Freehold of any Person who voted at the said Election, although such Persons swore to their Freeholds at the Election, or shall swear to them at the Examination; and that it be an Instruction to the Persons before whom such Examinations are taken to examine how long such Voters have been in Possession of, and paid Quitrents for, the Lands or Tenements in Right of which they voted at the Election; and that they return the Depositions they shall take to the next Session of Assembly.

That the *Petitioner* give to the fitting Member 10 Days Notice of the Time and Place when and where he intends to examine his Witneses, also a List in Writing of the Names of the Voters he intends to except to, distinguishing against each Name the several Heads of Exception; that the fitting Member do the like to the Petitioner, and that the further Consideration of the said Petition should be referred to the next Session of Assembly.

And the said *Committee* also reported that they had had under their Consideration the Petition of the said Mr *Peyton* to them referred, and had come to several Resolutions thereon, which were read, and agreed to by the House, as follows:

That the said *Petition* be examined into before the Committee of the next Session of Assembly: That the Petitioner do some Time before the next Session of Assembly give to the fitting Member a List in Writing of the Names of the Voters he intends to except to, distinguishing against each Name the several Heads of Exception; that the fitting Member do the like to the Petitioner, and that the further Consideration of the said Petition should be referred to the next Session of Assembly.

That a *Memorial* of Mr *William Pcachey*, setting forth that he entered into the Service of this Colony as an Officer in the Regiment in *September* 1755, and continued in the Service until *February* 1760, during which Time, and especially the 2 last Years, he spent a great deal more Money than the whole Amount of his Pay, which was not sufficient to support him in the Rank of the Commission he bore; and praying the Consideration of the House therein, was presented to the House and read, and referred to the Consideration of the next Session of Assembly. 14

That

That the House being informed that *Howson Hooe*, Gentleman, Sheriff, and *Levin Powell*, Sub Sheriff, of the County of *Prince William*, did, in the Execution of their said Office, at the late Election of Burgeffes for the said County, behave in most Instances of their Conduct, throughout the whole Election, illegally and unjustly, contrary to the Trust reposed in them, and acted with the greatest Partiality in taking the Poll; the said Information was referred to the Consideration of the Committee of Privileges and Elections, to examine into the Allegations thereof, and report the same with their Opinions thereon, to the House; and that no Report has been made thereon.

Also a *Petition* of fundry Inhabitants of the Parish of *Truro*, in the County of *Fairfax*, in Opposition to a *Petition* for dividing the said Parish, was presented to the House and read, and referred to the Consideration of the next Session of Assembly.

That a *Petition* of fundry Inhabitants of the upper Part of the County of *King* and *Queen*, praying that the said County may be divided, and Part thereof added to the County of *Caroline*, by certain Lines therein particularly expressed.

Also a *Petition* of fundry Inhabitants of the County of *Effex*, praying that an Act may pass for establishing a Town on the Land of *Thomas Ley*, near *Leyton's* Warehouse, in the said County; were severally presented to the House and read, and referred to the Consideration of the next Session of Assembly.

That the several *Claims* of *William Tomlinson*, *Benjamin Clark*, *John Pulliam*, *Thomas Lane*, *Abel Stears*, *William Simpson*, *John Chiles*, *James Swain*, *Michael Thomas*, *Thomas Fitzpatrick*, *Thomas Chew*, *William Ball*, *John Mallory*, *Levin Powell*, Assignee of *William Atterbury*, *Richard Oglesby*, *John Gladdin*, *Nathaniel Crawley*, *Charles Reeves*, *William Symmonds*, *Joseph Warwick*, *Samuel Meredith*, *Humphrey Burdett*, *Martin Vaughan*, *John Miller*, Junior, *Josias Plunket*, *Thomas Smith*, *Ambrose Bullard*, *Samuel Allen*, *Thomas Lloyd*, *Charles Burton*, *Jesse Burton*, *Almorene Bryan*, *Constantine Rock*, *Daniel Coleman*, *Zachariah Taylor*, *Thomas Toombs*, *William Hicks*, *Rogers*, *William Hicks*, *Henry Collier*, *Thomas May*, *John Pride*, *Richard Jones*, *William Pegram*, *Thomas Monday*, *Ambrose Greenhill*, *William Keeling*, *John Vance*, *John Camp*, Executor of *George Camp*, and *John Coles*, for taking up Runaways, and for fundry publick Services, were presented to the House and received, and referred to the Consideration of the next Session of Assembly.

It also appears to this *Committee* that all such Propositions and Claims as were certified to the 3 last Sessions of Assembly were referred to the Consideration of this present General-Assembly.

Ordered, That the *Petition* of *James Wallace*, complaining of an undue Election and Return of Mr *William Wager* to serve as a Burgefs in this present General Assembly for the County of *Elizabeth City*; also the *Petition* of Mr *John Leigh*, complaining of an undue Election and Return of Mr *Peter Legrand* to serve as a Burgefs in this present General-Assembly for the County of *Prince Edward*; also the *Petition* of Mr *John Clack*, complaining of an undue Election and Return of Mr *Isaac Row Walton* to serve as a Burgefs in this present General Assembly for the County of *Brunswick*; and the *Petition* of Mr *Henry Peyton*, complaining of an undue Election and Return of Mr *Henry Lee* to serve as a Burgefs in this present General Assembly for the County of *Prince William*; severally mentioned in the said Report, be referred to the Committee of Privileges and Elections; That all publick Claims referred from the several Sessions of Assembly, in the said Report expressed, to the Consideration of this Session of Assembly; also the *Petition* of Mr *William Peachey*, therein set forth; be referred to the Committee of Claims.

That the *Petition* of fundry Merchants on *Rappahannock* River, praying that a late Act of Assembly for establishing the Rates of Pilotage, which expired some Time ago, also mentioned in the said Report, be referred to the Committee of Trade; and that the several Propositions therein mentioned, referred to the Consideration of this Session of Assembly, be referred to the Committee of Propositions and Grievances.

A *Petition* of fundry Inhabitants of the County of *Southampton*, setting forth that it will be very convenient for great Part of the Inhabitants of the said County, *Nansemond*

mond and Ifle of Wight, as well as to a great Number of the Inhabitants of *North Carolina*, trading to this Colony, if a Bridge was erected over *Nottoway* River, at Colonel *Jesse Brown's* Landing; and praying that an Act may pass for that Purpose.

Also a *Petition* of the Inspectors of *Constance* Warehouse, in the County of *Nanfemond*, setting forth that at the first Establishment of that Inspection their Salaries were settled at £30 *per Annum*, since which Time their Business is greatly increased; and praying the House to make them such Satisfaction as shall seem reasonable.

Also a *Petition* of the Inspectors at *Blandford* Warehouse, in the County of *Prince George*, setting forth that their present Salary is not sufficient to enable them to perform the Duty of their Office; and praying such further Allowance may be made them as to this House shall appear reasonable.

Also a *Petition* of *Thomas Wood*, setting forth that he lately contracted with the Vestry of *St. Patrick's* Parish, in the County of *Prince Edward*, to build a Church for the said Parish, and had carried on the Building to a considerable Amount, when by Accident it was burnt down, and totally destroyed, which has reduced the Petitioner to great Distress; that the Vestry would very willingly relieve him, by making his Loss a parochial Charge, were they empowered so to do; and praying that an Act may pass for that Purpose.

That a *Petition* of the Trustees, and fundry Inhabitants, of the Town of *Alexandria*, praying that an Act may pass to enlarge the Bounds of the said Town.

Also a *Petition* of the Inspectors at Colonel *Robert Bolling's* Warehouse, in the County of *Dinwiddie*, setting forth that the Quantity of Tobacco brought to the said Warehouse is of late greatly increased, and their Trouble of Course augmented; and praying that their Salaries may be enlarged.

Also a *Petition* of the Proprietors and Inhabitants of the Town of *Blandford*, in the County of *Prince George*, setting forth that the said Town since its Establishment, hath been considerably improved, and would more and more improve, and the Trade thereof be greatly increased, if Trustees were appointed for directing and regulating the said Town; the Proprietors obliged to build on their Lots, and the Inhabitants prevented from raising and keeping Hogs at large within the Limits of the said Town; and praying that an Act may pass for that Purpose, were severally presented to the House, and read.

Ordered, That the said *Petition* be referred to the Committee of Propositions and Grievances; that they examine into the Allegations thereof respectively and report the same, with their Opinions thereon to the House.

A Message from the Governour was delivered by Mr *Walthoe*.

16

Mr *Speaker*,

I am commanded by the Governour to acquaint this House that his Honour is now ready to receive their Addresse in the Council Chamber.

Accordingly Mr *Speaker*, with the House, went up; and being returned, reported that he, with the House, had attended the Governour in the Council Chamber, and presented the Addresse of this House to him, to which he was pleased to answer:

Mr *Speaker*, and Gentlemen of the House of Burgeffes,

Your Expressions of Loyalty and Fidelity to his Majesty give me the greatest Satisfaction, for which I return you my hearty Thanks; and I make no Doubt but your Assurances that your future Actions shall be influenced by these Motives will be productive of fresh Proofs of that Zeal in his Service for which your former Conduct has obtained so much Reputation and Honour.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Saturday

Saturday, the 6th of November, 3 Geo. III. 1762.

A New Member having taken the Oaths appointed to be taken by Act of Parliament, instead of the Oaths of Allegiance and Supremacy, and taken and subscribed the Oath of Abjuration, and also subscribed the Test, was admitted to his Place in the House.

Ordered, That Mr *Landon Carter* be added to the Committee of Privileges and Elections, Propositions and Grievances, and Courts of Justice; Mr *Parramore* and Mr *Thomas Johnson* to the Committee of Claims; Mr *Nelson* to the Committee of Propositions and Grievances; Mr *Henry Lee* to the Committee of Propositions and Grievances, and Courts of Justice; and Mr *Burwell* to the Committee of Privileges and Elections.

Several Claims of *Gibb Chavis*, *Henry Batte*, Jun. *Thomas Harrison*, *Robert Reeves* and *Isaac Anderson*, for taking up Runaways therein mentioned, were severally presented to the House and received, and referred to the Committee of Claims.

A Petition of fundry Inhabitants of *Elizabeth City County*, in Opposition to a Petition for building a Bridge over *Back River*, at the Place in the said Petition mentioned; and praying that the said Petition be rejected, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

A Petition of *Robert Hunnicutt*, of the County of *Prince George*, setting forth that a Slave belonging to the Petitioner having committed a Murder was outlawed, and afterwards killed by the *Nottoway* Indians; and praying to be allowed for the said Slave, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report their Opinions thereon to the House.

On a Motion made,

Ordered, That Leave be given to bring in a Bill For the more effectual keeping the public Roads and Bridges in Repair; and it is referred to Mr *Bland* and Mr *Landon Carter* to prepare and bring in the same.

17 A Claim of *John Williams*, for taking up a Runaway therein mentioned.

Also fundry Accounts from divers Persons of the County of *Bedford*, for Provisions furnished the Militia drawn out into actual Service, and for other Purposes therein mentioned, were severally presented to the House and received, and referred to the Consideration of the Committee of Claims.

A Petition of *James Callaway*, of the County of *Bedford*, setting forth that in the Year 1758 a Party of *Cherokee* Indians, on their Return Home from *Winchester*, came into his House, and forcibly took from thence a Rifle Gun, of the Value of £4, together with a Shot Bag, Powder Horn and a Snaffle Bridle, to the Value of 7. 6s. and hath never received any Satisfaction for the same; and praying the House to take his Case into Consideration, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report their Opinion thereon to the House.

A Petition of *Nicholas Davis*, of the County of *Bedford*, praying that a Ferry may be established across the *Fluvannah* River, from the Petitioner's Land, near the Mouth of *Tuckahoe* Creek, in the County of *Bedford*, to his Land on the Opposite Shore, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances that they examine into the Allegations of the said Petition, and report their Opinion thereon to the House.

Ordered

Ordered, That the Committee of Propositions and Grievances be discharged from proceeding any further in their Inquiry into the several Inspectors Petitions for Increase of their Salaries, and the Petitions do lie on the Table.

Three *Petitions* of fundry Inhabitants of the Counties of *Chesterfield*, *Dinwiddie*, *Amelia* and *Cumberland*, setting forth that they have laboured under the greatest Hardships from the Scarcity of Grift Mills, until they were relieved by the few lately built on the main Stream of *Appomattox* River; and as the late Act of Assembly concerning Mill Dams, &c. has a Tendency to deprive the Petitioners the Advantage attending the Situation of the said Mills, by obliging the Owners to cut their Dams, so that in dry Weather they will be uselefs, and deterring others from building Mills thereon, that no Fish can be caught in the said River but by Slopes or Mill Dams; and should they be destroyed, no Benefit can be obtained from the few Fish in the said River; and praying that every Person keeping a Mill Dam, or Slope, may keep a Lock, to facilitate the Navigation of the said River, allowing the Proprietors of the same to take such Toll from loaded Canoes as may repay the Expenses thereof, and that the former law may be repealed, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine the Allegations thereof respectively, and report their Opinion thereon to the House.

And then the House adjourned until Monday Morning 11 o'Clock.

Monday, the 8th of November, 3 Geo. III. 1762.

ORDERED, That Mr *Woodbridge* be added to the Committee of Privileges and Elections, and Propositions and Grievances.

Several *Claims* of *Peter Harwood*, *William Rankins* and *Henry Williams* for taking up Runaways therein mentioned.

Also fundry *Accounts* of *William Ramfay*, for Provisions furnished the Militia drawn out into actual Service; were severally presented to the House and received, and referred to the Consideration of the Committee of Claims. 18

A *Petition* of *Joseph Stewart* and *Michael Robinson*, Inspectors at *Royston's* Warehouse, in the Town of *Fredericksburg*, praying that their Salaries may be augmented, was presented to the House and read, and ordered to lie on the Table.

A *Petition* of *Christopher Lawfon*, of the County of *Richmond*, praying to be allowed for a Slave who was outlawed and killed, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

On a *Motion* made,

Ordered, That an Address be made to his Honour the Governour that the Guard appointed for the Magazine in the City of *Williamsburg* be discontinued, it being at this Time, in the Opinion of this House, an unnecessary Expence to the Country; and that Mr *Bland* do wait on him with the said Address.

Sundry *Accounts* from divers Persons of the Counties of *Augusta* and *Lancaster*, for Provisions furnished the Militia drawn out into actual Service, were severally presented to the House and received, and referred to the Consideration of the Committee of Claims.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For regulating the Fees and Charges of Persons practising in Physick, Surgery and Midwifery, in this Colony; and it is referred to Mr *Landon Carter* and Mr *Richard Henry Lee*, to prepare and bring in the same.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For settling the Bounds between the Parishes of *Martin Brandon* and *Bristol*, in the County of *Prince George*; and it is referred to Mr *Bland* to prepare and bring in the same.

Mr Attorney, from the Committee of Propositions and Grievances, reported that the Committee had had under their Consideration several Propositions and Petitions from several Counties to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and are as follow:

Resolved, That it is the Opinion of this Committee that the Petition of *William Ingles*, praying that a Ferry may be established from his Land over the *New River*, in the County of *Augusta*, near the *Dunkers Bottom*, to the opposite Shore is reasonable.

Resolved, That it is the Opinion of this Committee that so much of the Petition of *John Buchanan* in Opposition thereto, and praying that a Ferry may be established from his Land over the said River, about one Mile and a Half higher up than the Land of the said *Ingles*, in the said County, be rejected.

Resolved, That it is the Opinion of this Committee that the Residue of the Petition of the said *John Buchanan*, praying that Ferries may be established over the said River, as well from his own Land as the Land of the said *William Ingles*, and that they may both be obliged to clear and keep in Repair the Roads leading thereto respectively, at their own Expence, be rejected.

19 *Resolved*, That it is the Opinion of this Committee that the Petition of *Thomas Wood* praying that an Act may pass to empower the Vestry of the Parish of *St. Patrick*, in the County of *Prince Edward*, to levy Money on the Parishioners of the said Parish, to make him Satisfaction for the Expenses he has been at in building a Church, which was burnt down before it was finished, is reasonable.

Resolved, That it is the Opinion of this Committee that the Petition of fundry Inhabitants of the Counties of *Southampton*, *Nansemond* and *Isle of Wight*, praying that an Act may pass to appoint and empower Trustees to take and receive Subscriptions for building a Bridge from the Land of *Jesse Brown*, in the County of *Southampton*, over *Nottoway River*, is reasonable.

Resolved, That it is the Opinion of this Committee that the Petition of *John Bailey*, Guardian of *Jeremiah Garland Bailey*, Son and Heir of *Stephen Bailey*, deceased, and other Freeholders and Housekeepers in the County of *Westmoreland*, praying that an Act may pass for removing the publick Warehouses on *Yeocomico River*, from the Place where they now stand, to a Place called the *New Landing*, on the said River is reasonable.

Resolved, That it is the Opinion of this Committee that the Petition of fundry Inhabitants of the County of *Hampshire*, praying that an Act may pass for establishing a Town on the Land of the Right Hon. the Lord *Fairfax*, at a Place called *Tucker's Plantation*, in the said County, is reasonable.

Resolved, That it is the Opinion of this Committee that the Petition of fundry Inhabitants of the County of *Effex*, praying that an Act may pass for establishing a Town on the Land of *Thomas Leigh*, an Infant, near *Layton's Warehouse*, in the said County, be rejected.

Resolved, That it is the Opinion of this Committee that the Memorial of Colonel *William Peachey*, praying that he may be allowed some Compensation for the Expenses of keeping a Table while he had the Command of the Frontier Battalion, in the Service of this Colony, is reasonable; and that he ought to be allowed the Sum of £350, as a Satisfaction for his said Expenses.

Resolved, That it is the Opinion of this Committee that so much of the Petition of fundry Inhabitants of the Counties of *New Kent* and *Charles City*, praying that the Act of Assembly, entitled, *An Act concerning Strays*, may be amended, is reasonable.

The six first Resolutions being read a second Time, and the Question severally put that the House agree thereto,

Resolved in the Affirmative.

The five last Resolutions being also read a second Time, and the Question put that the House agree thereto,

It passed in the Negative.

Ordered, That the same be recommitted to the said Committee

Ordered

Ordered, That it be an Instruction to the said Committee to prepare and bring in a Bill or Bills pursuant to the 1st, 4th, 5th and 6th, Resolutions.

Ordered, That the Consideration of the Governor's Speech be put of until Tomorrow.

A *Petition* of *John Carlyle*, setting forth that *Robert Dinwiddie*, Esq; late Governour of this Colony, by Commission under the Seal of the Colony, bearing the Date the 27th Day of *January*, 1754, appointed the Petitioner Commissary of Provisions and Stores for an Expedition then intended to the River *Ohio*, with full Power and Authority to appoint such and so many Deputies to be aiding and assisting, for the more expeditious transporting the said Provisions and Stores to the aforesaid Fort, as should be found expedient for the Service: That he took on him the said Office of Commissary, and appointed one *William Cox* of *Winchester* one his Deputies; that the said *Cox* served as such until his ordinary Wages amounted to £35, which the Petitioner hoped would have been paid him by the Committee appointed to settle and adjust such Claims; but by some Means or other the Payment was neglected, and the said *Cox* hath since brought Suit in the General Court, and recovered a Judgment against him for the said £35, and Costs of Suit, amounting to 470 lbs. of Tobacco, and 50s. and praying the Consideration of the House, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same with their Opinions thereon, to the House.

Mr Bland, from the Committee of Privileges and Elections, reported that the Committee had had under their Consideration the Petition of *Mr Henry Peyton*, to them referred, complaining of an undue Election and Return of *Mr John Baylis* and *Mr Henry Lee* to serve as Burgesses in this present General Assembly for the County of *Prince William*; and had come to the following Resolution thereon, which he read in his Place, and then delivered in at the Table, where the same was again twice read, and agreed to by the House, as follows:

Resolved, That it is the Opinion of this Committee that the Matter of the said Petition be examined into before the Committee on *Tuesday* the 30th Instant, and that in the mean Time as well the Petitioner as the sitting Member, be at Liberty to examine and take the Depositions of such of their Witneses respectively as are sick, infirm, or unable to travel, giving each other reasonable Notice of the Time and Place appointed for taking the same.

Mr Bland also reported that the said Committee had had under their Consideration the Complaint against *Howson Hooe*, Sheriff, and *Levin Powell*, Sub Sheriff, of the said County of *Prince William*, for Mal-Practices in the Execution of their Offices at the Election of Burgesses for the said County of *Prince William*, and had come to a Resolution thereon.

Resolved, That the Matter of the said Information be heard before the Committee on *Tuesday* the 30th Instant.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Tuesday. the 9th of November, 3 Geo. III. 1762.

A Claim of *Martin Harding*, of the County of *Fauquier*, for Provisions furnished fundry tributary *Indians*.

Also 2 Accounts of *James Gunn*, for the same Service.

Also an Account of *John Camp*, Executor of *George Camp*, deceased, for Provisions furnished by the Testator for fundry tributary *Indians*, by Order of his Honour the Governour, were severally presented to the House, and received.

Ordered, That the said Claim and Accounts be referred to the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

Sundry

Sundry *Claims* of *George Murrell* and *William Trotter*, *Hugh Mofs*, *Gerard Ellyson*, *John Carter*, *Zachariah Allen*, *Edward Cary*, *William Harrison* and *Moses Dorden*, for taking up several Runaways therein mentioned, were presented to the House and read, and referred to the Consideration of the Committee of Claims.

A *Petition* of *Henry Williams*, setting forth that in the Year 1760 he enlisted (under recruiting Instructions from his Honour the Governour) 20 Men, to each of whom he advanced the Bounty of £10, allowed by Law; that 4 of the said Recruits were refused, for whom the Paymaster hath refused to reimburse the Bounty, and the Charges attending the raising and subsisting the said 4 Men; and praying the Consideration of the House therein, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

A *Petition* of sundry Inhabitants of the County of *Amherst*, praying that a Ferry may be established over the *Fluwannah* River, from the Land of *Cornelius Thomas*, near Mill Creek, on the North Side of the said River, to the Land of *Nicholas Davis*, on the opposite Shore.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To oblige all Captains or Commanders of Vessels, taking in Tobacco or Freight in this Colony, to make Publication of the Freight they shall sail at before their Loadings shall be obtained; and it is referred to Mr *Landon Carter* to prepare and bring in the same.

A *Petition* of several Ordinary Keepers and Freeholders of the Town of *York*, setting forth that the Act, entitled, *An Act for regulating Ordinaries, and Restraint of Tippling Houses*, as it now stands, is becoming grievous and burthenfome, laying the Petitioners under a Necessity either of affronting their best Customers, and thereby losing their Business, or being in Danger of Ruin by the Loss of their Debts, which they can neither hinder others from contracting with them, nor afterwards receive by a due Course of Law; and praying that the said Act may be amended, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Propositions and Grievances; that they do examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

Sundry *Accounts* for Provisions and other Necessaries furnished the Forces in the Service of this Colony, and for tributary *Indians*, in their marching through the Country, were presented to the House and read, and referred to the Consideration of the Committee of Claims.

A *Petition* of *Urfilla Rogers*, praying she may be allowed for a Horse shot by the *Cherokee* Indians in the Year 1759, on their March down to Fort *Cumberland*, valued at £7, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Claims; that they do examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

A *Petition* of *Robert M'Coun*, late a Soldier in the *Virginia* Regiment, praying an Allowance may be made him for the Loss of his Arm, in the Service of this Colony, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of Mr *Cary* and Mr *Fleming*; that they do examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the Committee had had under their Consideration divers Propositions and Petitions from
several

several Counties, to them referred; and had come to several Resolutions thereon, which he read in his Place, and then delivered in at the Table, where they were again twice read, and are as follows:

Resolved, That it is the Opinion of this Committee that the Petition of fundry Inhabitants of the County of *Effex*, praying that an Act may pass for establishing a Town on the Land of *Thomas Lee*, an Infant, near *Layton's* Warehouse, in the said County, be rejected.

Resolved, That it is the Opinion of the Committee that so much of the Petition of fundry Freeholders and Inhabitants of the Counties of *Chesterfield*, *Dinwiddie*, *Amelia* and *Cumberland*, praying that every Person keeping a Mill Dam or Slope on the River *Appomattox* may be obliged to keep a Lock therein, to facilitate the Navigation of the said River; and that the Act of Assembly made in the first Year of his present Majesty's Reign, entitled, *An Act to oblige the Owners of Mills, Hedges, or Stone Stops, to make Openings or Slopes therein, for the Passage of Fish*, may be repealed, be rejected.

Resolved, That it is the Opinion of this Committee that the Residue of the said Petition, praying such other Relief as may be most for the Advantage of the Publick, and their Ease, is reasonable; and that the said Act, entitled, *An Act to oblige the Owners of Mills, Hedges, or Stone Stops, on fundry Rivers therein mentioned, to make Openings or Slopes therein, for the Passage of Fish*, ought to be amended.

Resolved, That it is the Opinion of this Committee that so much of the Petition of fundry Inhabitants of the Counties of *New Kent* and *Charles City*, praying that the Act of Assembly, entitled, *An Act concerning Strays*, be amended, is reasonable.

Resolved, That it is the Opinion of this Committee that the Petition of fundry Inhabitants of the Parish of *Accomack*, praying that the said Parish may be divided, by a Line to be run across the Middle of the Counties, from Sea to Bay, is reasonable.

Resolved, That it is the Opinion of this Committee that the Petition of fundry other Inhabitants of the said Parish, in Opposition thereto, be rejected.

Mr *Attorney* also reported that the said Committee had had under their further Consideration the Memorial of Colonel *William Peachey*, to them recommitted, representing That he had been engaged in a military Life, in the Service of this Country, from September in the Year 1755, which was soon after the unhappy Defeat of General *Braddock*; from which Time, until February 1760, he faithfully served, for the Truth of which he appeals to his Commanding Officers: And that it was not his Fault that he did not continue in the Service, having offered his Service as soon as he understood that 700 Men were to be raised for the *Cherokee* Expedition; but being told there would be no Vacancy above a Captaincy, he could not accept of such a Commission, having served in a much higher Rank.

That during the Time he was in the Service his Affairs suffered much at home, either through Negligence or Mismanagement.

That the Nature of the Service in which he was generally engaged, especially the 2 last Years, was such as made it impossible for him to subsist on his Pay, and appear in the Rank he bore.

That his Estate was considerably impaired, and he suffered great Losses, during the Time of his said Service; and praying such Reparation of his Losses, and Compensation for his extraordinary Expenses, as may be thought reasonable; and have come to the following Resolution thereon:

Resolved, That it is the Opinion of this Committee that the said *William Peachey* ought to be allowed the Sum of £350, for extraordinary Services and Expenses.

The six first Resolutions being read a second Time, and the Question severally put that the House agree thereto,

Resolved in the Affirmative.

The

¹ Hening, VII, p. 409.

² *Ibid.*, VII, p. 409

³ *Ibid.*, VI, p. 133.

The *last* Resolution, respecting Colonel *William Peachey's* Allowance being also read a second Time, and the Question put that the House agree thereto,

It passed in the Negative.

On a *Motion* made,

Resolved, That the said Colonel *William Peachey* be allowed 1 Year's Pay, in Consideration of his past Services.

Ordered, That the said Resolve be engrossed, and that Mr *Landon Carter* do carry it up to the Council for their Concurrence.

Mr *Cary*, from the Committee of publick Claims, reported that the Committee had had under their Consideration the Petitions of *Robert Hunnicutt* and *Christopher Lawson*, to them referred; and had come to several Resolutions thereon, which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follows:

Resolved, That the Allegations of the Petition of the said *Robert Hunnicutt* are true, and that he ought to be allowed the Sum of £45, for the Slave in his said Petition mentioned.

Resolved, That the Allegations of the Petition of the said *Christopher Lawson* are true, and that he ought to be allowed the Sum of £80, for the Slave in his said Petition mentioned.

Ordered, That it be an Instruction to the Committee of Claims to make the several Allowances in the Book of Claims, agreeable to the said Resolutions.

A *Petition* of fundry Inhabitants of the Counties of *Dinwiddie*, *Amelia*, *Brunswick*, *Lunenburg* and *Halifax*, praying that a new Inspection of Tobacco may be established on the Land of *Robert Bolling*, Gentleman, between the Towns of *Petersburg* and *Blandford*, which will have every possible Advantage of a fine Situation, a good Road, and very convenient to a safe Landing, and that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

The *Order* of the Day being read for the House to take into Consideration the Governor's Speech.

Ordered, That the Consideration of the said Speech be put off until Tomorrow.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Wednesday, the 10th of November, 3 Geo. III. 1762.

A *Member* returned upon a new Writ, having taken the Oaths appointed to be taken by Act of Parliament, instead of the Oaths of Allegiance and Supremacy, and taken and subscribed the Oath of Abjuration, and also subscribed the Test, was admitted to his Place in the House.

Two *Claims* of *James Tomlinson* and *William Hunter*, for taking up Runaways therein mentioned, was presented to the House and received, and ordered to be referred to the Committee of Claims.

Also an *Account* of *Cary Seldon*, for 4 Years Pay as a Lookout, was presented to the House and received.

Ordered, That the said Account be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

On a *Motion* made,

Ordered, That Mr *Lee* have Leave to withdraw his Petition, complaining of an undue Election and Return of Mr *LeGrand*, to serve as a Burgess in this present General Assembly for the County of *Prince Edward*; and that the Committee of Privileges and Elections be discharged from proceeding any further on the said Petition.

Mr

Mr *Bland* presented to the House, according to Order, a Bill For the more effectual keeping the publick Roads and Bridges in Repair; and the said Bill was read the first Time, and ordered to be read a second Time.

Mr *Landon Carter* also presented to the House, according to Order, a Bill To oblige all Captains or Commanders of Vessels, taking in Tobacco on Freight in this Colony, to make Publication of the Freight they shall sail at before their Loadings shall be obtained; and the said Bill was read the first Time, and ordered to be read a second Time.

Three *Petitions* of the Inspectors at *Rocky Ridge*, *John Bolling's* and *Osborne's* Warehouses, praying that their Salaries may be increased, was presented to the House and read.

Ordered, That the said Petitions do lie on the Table.

The Order of the Day being read for the House to take into Consideration the Governour's Speech,

Resolved, That this House will resolve itself into a Committee on the said Speech.

Ordered, That the several Letters laid before the House, by the Governour's Direction, be referred to the Consideration of the said Committee.

Then the House resolved itself into a Committee on the said Speech and Letters; and after some Time spent therein Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Speech and Letters under their Consideration, and had come to several Resolutions thereon, which they had directed him to report to the House; and he read the same in his Place, and then delivered it in at the Table, where the same was again twice read, and agreed to by the House, as follows:

Resolved, That the Gold Coin of the Empire passing in this Colony ought to be regulated.

Resolved, That the Act of Assembly made in the 4th Year of the late Queen Anne, entitled, *An Act declaring the Negro, Mulatto and Indian Slaves, within this Dominion, to be real Estate*, which was afterwards explained by one other Act, passed in the 1st Year of the late King's Reign, entitled, *An Act to explain and amend the Act for declaring the Negro, Mulatto and Indian, Slaves, within this Dominion, to be real Estate*, ought to be repealed.

Resolved, That the Act, entitled, *An Act for the Distribution of Intestates Estates, declaring Widows Rights to their deceased Husbands Estates, and for securing Orphans Estates*, ought to be amended.

Ordered, That a Bill or Bills be brought in pursuant to the said Resolutions; and it is referred to Mr *Attorney*, Mr *Wythe*, Mr *Bland* and Mr *Richard Henry Lee*, to prepare and bring in the same.

Mr *Attorney* also informed the House that the Committee, not having Time to go through the Governour's Speech, had directed him to move for Leave to sit again. 25

Resolved, That this House will again resolve itself into a Committee on the said Speech Tomorrow.

Mr *Cary*, from the Persons to whom the Petition of *Robert M'Coun* was referred, reported that they had examined into the Allegations thereof, and found the same to be true, and have come to the following Resolutions thereon; which he read in his Place, and then delivered it in at the Table, where it was again twice read, and agreed to by the House, as follows:

Resolved, That the said *Robert M'Coun* be allowed by the Publick the Sum of £10, for his present Relief, and the further Sum of £5 *per Annum* during Life, in Consideration of the Loss of his Arm, and in Reward for his Services.

Ordered, That Mr *Wilson* and Mr *Basset* be added to the Committee of Propositions and Grievances, Mr *Gray* and Mr *Baylis* to the Committee of Claims, and Mr *Baylor* to the Committees of Privileges and Elections, and Propositions and Grievances.

A Claim of *Adrian Anglin*, for taking up a Runaway therein mentioned.

Also several *Militia* and *Indian* Accounts, from the County of *Buckingham*, were severally presented to the House and received, and referred to the Consideration of the Committee of Claims.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Thursday

¹ Hening, III, p. 333.

² *Ibid.*, IV, p. 222.

³ *Ibid.*, IV, p. 222.

Thursday, the 11th of November, 3 Geo. III. 1762.

M^R *Cary*, from the Committee of Claims, reported that the Committee had had under their Consideration several Petitions to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follows:

Resolved, That the Petition of *John Carlyle*, Commissary of Provisions and Stores for an Expedition to the *Ohio*, to be reimbursed a Judgment and Costs recovered against him by *William Cox*, his Deputy, be rejected.

Resolved, That the Petition of *Henry Williams* is reasonable and that he ought to be allowed the Sum of £48. 16s. to reimburse him the Bounty Money and Subsistence of 4 Recruits enlisted by him for the *Cherokee* Expedition, and delivered at the Place of Rendezvous, where they were refused by the then Commanding Officer; it appearing to this Committee the said Recruits were agreeable to the said Officer's recruiting Instructions.

Resolved, That the Petition of *Urfilla Rogers*, to be allowed for a Horse shot by the *Cherokee* Indians, is reasonable; and that she ought to be allowed the Sum of £7 for the said Horse.

Resolved, That the Petition of *James Callaway*, to be allowed for Goods stolen from him by the *Cherokee* Indians, be rejected.

Ordered, That it be an Instruction to the Committee of Claims to make the several Allowances in the Book of Claims, pursuant to the 2^d and 3^d Resolutions.

²⁶ *Mr Benjamin Harrison*, from the Committee of Trade, reported that the Committee had had under their Consideration the Petition of fundry Merchants on *Rappahannock* River, to them referred, complaining that they are greatly imposed on by Pilots exacting exorbitant Fees, and praying that an Act may pass for regulating the Rates of Pilotage, and had come to the following Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

Resolved, That the said Petition is reasonable.

Ordered, That a Bill or Bills be brought in pursuant to the said Resolution, and it is referred to the Committee of Trade to prepare and bring in the same.

A Petition of *John Buchanan*, praying to be allowed some Compensation for his Services in purchasing Provisions in the Year 1759, by Order of Capt. *Read*, for a Number of *Cherokee* Indians then coming down to *Augusta*, having never received any Satisfaction for the same.

Also several Claims of fundry Inhabitants of the Counties of *Bedford* and *Amelia*, for Provisions and other Necessaries furnished the Militia of the said Counties, ordered out into actual Service, were severally presented to the House and received.

Ordered, That the said Petition and Claims be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

The Order of the Day being read for the House to resolve itself into a Committee, to take into their further Consideration the Governour's Speech.

Resolved, That this House will again resolve itself into the said Committee on Tuesday next.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Friday

Friday, the 12th of November, 3 Geo. III. 1762.

MR Bland presented to the House, according to Order, a Bill For settling the Bounds between the Parishes of *Martin's*, *Brandon* and *Bristol*, in the County of *Prince George*; and the same was read the first Time, and ordered to be read a second Time.

Mr Attorney, from the Committee appointed, presented to the House according to Order, a Bill To empower the Vestry of the Parishes of *St. Patrick*, in the County of *Prince Edward*, to levy for *Thomas Wood* a reasonable Satisfaction for his Expenses in building a Church there, which was burnt down before it was finished; and the same was read the first Time, and ordered to be read a second Time.

Mr Bland, from the Committee of Privileges and Elections, reported that the Committee had had under their further Consideration the Petition of Mr *James Wallace*, complaining of an undue Election and Return of Mr *William Wager* to serve as a Burgess in this present General Assembly for the County of *Elizabeth City*, and had fully heard as well the Petitioner as the fitting Member by his Counsel; and had agreed on a Report, and come to several Resolutions thereon, as follow:

Your Committee beg Leave to inform the House that it appears to them that *Signe Parish*, who voted for the fitting Member at the said Elections, on the 3^d Day of *May*, 1759, held 25 Acres of Land in the said County, but had on that Day agreed to convey to *Edward Parish* about 6 Acres thereof, for the Consideration of £ 40, and gave his Bond to the said *Edward Parish*, in the Penalty of £ 80, for that Purpose, and put him in Possession thereof; and it was at the same Time agreed between them that the said *Signe Parish* might take Possession of the said 6 Acres of Land, at any Time within 3 Years, on making good Title to the said *Edward* of any other 6 Acres of the said Land, or forfeiting the Penalty of his Bond whenever he ousted the said *Edward Parish*: That the said *Edward Parish* paid £ 10, Part of the said £ 40, the Consideration Money, and lived in a House on the said Land 2 Years, and had been in Possession near 3 Years before the said Election; but that the said *Signe Parish* hath constantly paid the Quitrents for the whole 25 Acres. It also appears that the said *Signe Parish* hath sworn that he would not have taken the Oath prescribed by Law at the Time of his giving his Vote at the said Election, giving his Reason that as he had agreed to convey 6 Acres of the said Land to the said *Edward Parish*, he was dubious whether he had a Right to vote, having received £ 10 of the Consideration Money as aforesaid, and allowed 3 Years for Payment of the Residue.

Resolved, That it is the Opinion of this Committee that the said *Signe Parish* had no Right to vote for Burgesses at the said Election.

It also appears to your Committee that *Samuel Dewberry*, Father of *Samuel Dewberry*, Junior, who voted for the fitting Member at the said Election, held a Tract of Land in the said County of *Elizabeth City*, in Right of his Wife, Mother of the said *Samuel* the younger, on whom it was entailed, containing about 190 Acres; and that a few Years before the said Election, on the Marriage of the said *Samuel* the younger, his said Mother being then dead, his Father made him a verbal Gift, and put him into Possession of about 145 Acres, Part of the said 190 Acres, on Condition that he would build on and improve the same, which he had accordingly done, and has ever since paid Quitrents for the same, and hath also leased out a Tenement on Part of the said Land, and received the Rents for the same; That the said *Samuel Dewberry* the elder had no other Lands in the said County, and that both he and his said Son voted at the said Election in Right of their respective Parts of the said 190 Acres.

Resolved, That it is the Opinion of this Committee that the said *Samuel Dewberry* the younger had no Right to vote for Burgesses at the said Election.

It likewise appeared to your Committee that *James Cunningham*, who voted for the fitting Member at the said Election, gave his Vote in Right of his Wife's Dower of
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and in a certain undivided Tract of Land, of which her former Husband *Bertrand Servant* had died seized and possessed: That *James Servant*, Father of the said *Bertrand* died intestate, seized of a Tract of Land in the said County, the Quantity whereof is unknown, which descended to the said *Bertrand Servant*, his Heir, who afterwards intermarried with *Elizabeth*, now the Wife of the said *James Cunningham*; and in his Lifetime he sold 95 Acres, Part of the said Lands, to *Robert Brough*; and 100 Acres of her Part thereof, to *Cary Seldon*; and 40 Acres, of her Part of the same Tract, to one *John Bennet*; and died seized of the Remainder, having by his Will ordered it to be sold by his Widow and Executrix, for Payment of his Debts; and she having renounced the Will, Administration of his Estate, with his said Will annexed, was committed to the said *Robert Brough*, who sold 48 Acres of the said Land to one *William Naylor*, at two different Times, and the Remainder he reserved for the said Widow's Dower, the said Land not being then divided; and that the said *Elizabeth*, the Widow having afterwards intermarried with the *James Cunningham*, ever since hath lived, and still doth live, in the Mansion House on the said remaining Part of the said Land, but how many Acres that Remnant may contain is uncertain, though it appears that on an Inquiry made by the said *Robert Brough* of the Surveyor of the said County, what Number of Acres he thought was left, the Surveyor was of Opinion there were as many Acres left as had been laid off for the

28 said *Naylor*: It further appears that the Under Sheriff of the said County being asked, some small Time before the Election, how many Acres the said *Servant* had paid Quit-rents for, he answered 73, as appeared by the Rent-Roll; and it being thereon remarked by a By Stander that then there were but 23 Acres left for the Widow, the said *Robert Brough* replied there were 25 remaining for her Dower, which for that Purpose he had reserved, and of which the said *Cunningham* and his Wife were then possessed, though it also appears that the said *Robert Brough* afterwards acknowledged that the said Widow's Dower was never laid off, and that he judged of the Quantity by Guess.

Resolved, That it is the Opinion of this Committee that the said *James Cunningham* had a good Right to vote for Burgesses at the said Election.

It further appeared to your Committee that *David Davis*, who also voted for the fitting Member at the said Election, was in Possession of Part of a Lot which had been given him about fifteen Years before by his Brother *William Davis*, on Condition of his good Behaviour to him and his Family, with a Piece of Writing (but what it was, doth not appear) which the said *William Davis* said he only intended to secure him if he complied with the said Condition, but that he never had it recorded, giving for Reason that the said *David* had not complied with the said Condition: That the said *David* had built a House on the said Ground, which cost about £ 35, and had been in Possession thereof about 15 Years; but the said *William Davis* swears it was against his express Desire and Directions from 4 or 5 Years after Possession, having frequently ordered him out, if he did not pay Rent for it: It also appears to your Committee that the said *David Davis* was for some Years before the said Election in Possession of a Piece of a Lot in the said Town, which was conveyed to him by one *Thomas Cooper*, adjoining the above-mentioned House and Lot he then lived on, whereon is a little House 6 Feet by 4, not framed, but posted in the Ground, having Rafters on one Side only, and covered in, but the Boards on the Sides of it are mostly torn off, and it is in a ruinous Condition: It also appears that the said *David Davis* had built a Shed to his House, which stood on the Ground he purchased of the said *Cooper*, which on the Day of the said Election was in a ruinous Condition.

Resolved, That it is the Opinion of this Committee that the said *David Davis* had a good Right to vote for Burgesses at the said Election.

It also appeared to your Committee that *William Skinner*, who likewise voted for the fitting Member at the said Election, was in Possession of a Half of a Lot in the said Town; and that on the *Saturday* before the said Election he purchased a small tight framed House, of the Dimensions of 10 feet by 8, and had the same removed and placed on his said Ground, on Purpose (as he acknowledged) to qualify him to vote at that Election, and was to pay for it, whatever it should be valued to: It further appears that

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the said Houfe ftill remains on the said Ground, and is now ufed by one *William Mitchell* as a Stable, and that when he purchafed it he said he intended to fettle and build on his said Lot; and that as *Ward* (the Perfon of whom he had bought the said Houfe) owed him fome Money, the Price of the Houfe fhould be difcounted out of it on a Settlement; and that when he bought it, he intended to make ufe of it as a Kitchen, Smoke Houfe, or fome other neceffary Houfe: It alfo appears that the said *Ward* and his Wife said they expected the Houfe would be returned them to fmoke their Meat in, and that the said *Skinner* has, fince the Election, publickly said he had lent the said *Ward* 2 s. which he had repaid him, and that it was done under a Sham.

Resolved, That it is the Opinion of this Committee that the said *William Skinner* had a good Right to vote for Burgeffes at the said Election.

It further appears to your *Committee* that *Thomas Payne*, who likewise voted for the fitting Member at the said Election, was poffeffed of a Part of a Lot in the said Town; and that on the *Saturday* before the Election he purchafed of one *Mary Almond*, for the Value of 10 s. a fmall Houfe, about 4 and Half Feet Pitch, 4 or 5 Feet long, and 2 or 2 and a Half Feet wide, floored or laid with Plank in the midft of its Height, to put Milkpans, or other Things, on; and that he had the fame removed in a Cart, with one Horfe, with the Affiftance of 7 or 8 Men, and placed on his said Lot, on Purpofe (as he acknowledged) to qualify him to vote at that Election, and that he held no other Land in the said County: It further appears that the said *Thomas Payne*, fome Time afterwards, went to Sea; and that the said *Mary Almond*, being in Doubt whether fhe fhould get her Money of him for the said Houfe, had the fame removed home again.

Resolved, That it is the Opinion of this Committee that the said *Thomas Payne* had no Right to vote for Burgeffes at the said Election.

It alfo appears to your *Committee* that *William Tucker*, who likewise voted for the fitting Member at the said Election, was, at the Time of his giving in his Vote, in his perfect Senfes, which is plain from his inquiring of the Perfon that was fent for him to attend the Election who was ahead, and being answered that the fitting Member was behind, he immediately called for his Stick, and on his Way to the Court Houfe, having dropped one of his Shoes, he defired to be fet down in the Chair in which he was carried to have it put on again, and that when at the Court Houfe he gave his Vote diftinctly for the fitting Member and one *John Jones*, and repeated it, though in a low Voice; and that his Vote was not then objected to, although it does appear, from the Teftimony of 3 feveral Witneffes, that for 7 or 8 Years paff the said *Tucker* has been generally reputed not to have been in his proper Senfes, and incapable of buying, felling, or making any Contract; that he hath fometime met with his old Acquaintances, whom he hath not known, and particularly met with one *William Face* in the Street, invited him home with him, and when he was there afked him who he was.

Resolved, That it is the Opinion of this Committee that the said *William Tucker* had a good Right to vote for Burgeffes at the said Election.

It further appears to your *Committee* that *John Buck*, who voted for the Petitioner at the said Election, held 133 or 134 Acres of land in the said County, in Right of his Wife; and that he had before the said Election fold about 100 Acres of the fame, more or lefs, to one *Mary Roberts*, and afterwards fold 15 Acres more of the fame Land to his Father *Benjamin Buck*, and received Part of the Confideration Money, but never made any Deed to him for the fame: That the said *Benjamin Buck*, the Father, built a Houfe on the said Land, and had been in Poffeffion thereof about 3 Years; which was afterwards burnt down, about 12 Months before the Month of *January* laft: That the said 133 or 134 Acres of Land were laid off in the Widowhood of the said *John Buck's* Wife, as her third Part of her former Hufband's Eftate: That after the said *Benjamin Buck's* Houfe was burnt down, he removed off the said Land, and then the said *John Buck* agreed to fell the said 15 Acres to one *Charles Jemmings*, and received of him £ 3, in Part of the Confideration, having often before offered it for Sale, although his said Father objected to it, alleging he had a Deed for it: That the said *John Buck* always paid the Quitrents for the whole Land, but was repaid by *William Mallory* the Quitrents of that Part he had

had fold to the said *Mary Roberts*, the Mother of the said *William Mallory*; but never received, or expected to receive, the Quitrents of the 15 Acres he had fold to his Father: That the said *John Buck* was in Possession of the said 15 Acres some Time before last Christmas twelve Months, about which Time his said Father left the same: It further appears that the said *John Buck* acknowledged he would not at the said Election have taken the Oath prescribed by Law, if it had been required of him.

Resolved, That it is the Opinion of this Committee that the said *John Buck* had no Right to vote for Burgeffes at the said Election.

It further appears to your Committee that *Edward Yeargain*, who also voted for the Petitioner at the said Election, was possessed of 18 Acres and a Half of Land in the said County, where he then lived; and also of another Tract of 50 Acres, which is separated from the Land he lives on by another Person's Land running between them, and on which there is no House, nor any Cultivation, except the clearing of a small Part of it; and that he had no other Land in the said County.

Resolved, That it is the Opinion of this Committee that the said *Edward Yeargain* had a good Right to vote for Burgeffes at the said Election.

Your Committee also beg Leave to inform the House that it appears to them that the Reverend Mr *Thomas Warrington*, Rector of the Parish of *Elizabeth City*, in the said County of *Elizabeth City*, having been in full Possession of his Glebe for some Years, containing by Computation about 100 Acres, with competent Buildings thereon, appeared at the said Election, and offered to vote for Mr *Wythe* and the Petitioner, but refusing (as being dubious of his Right to vote) to take the Oath prescribed by Law, which was required of him, he was not allowed to vote at the said Election, but that his Name was put on the Back of the Poll.

Resolved, That it is the Opinion of this Committee that the said *Thomas Warrington* had a good Right to vote for Burgeffes at the said Election, and that his Vote ought to be added to the Petitioners Poll.

It further appears to your Committee that on the Day of the said Election, on the Application of the Petitioner and some of his Friends, and particularly of one Doctor *John Brodie*, and with the Approbation and Consent of all the Candidates at the said Election, the Sheriff of the said County did agree to postpone closing the Poll until Sun-setting; and that thereon the said Doctor *Brodie*, with some other Freeholders, went out of Town, in Order to bring in 2 other Freeholders, their Names *Johnson Mallory* and *John Lowry* the elder, to give their Votes at the said Election, who thereon immediately prepared to set out for the Court-House, but were told they need not hurry themselves, as it was agreed that the Poll was not to be closed until Sunset: It appears that the said Sheriff having, soon after the said Agreement among the Candidates and himself, received and polled two Voters for the fitting Member, and 1 for the Petitioner, closed the Poll, which was about an Hour and a Half before Sunset, notwithstanding the earnest Intreaties of the Petitioner and some of his Friends, and particularly of Mr *John Tabb* (now deceased) who desired him to defer closing the Poll, as some of the Petitioner's Friends were then on their Way to the Court House, and would be there in a short Time; to whom the said Sheriff made Answer, "that he knew his Duty, and should not be directed by him, and that he should close the Poll when he thought proper." And that the said Sheriff, being told by the said *John Tabb*, "that the Reason of his making that Application to him was, knowing if he closed the Poll, before the Petitioner's Voters came in, it would occasion a Complaint elsewhere, or above;" he answered, with Warmth, "he did not value him, or he might do as he pleased." It further appears that, at the Time closing the Poll, the said *Johnson Mallory* was so near the Court House as to be able to distinguish the fitting Member carried off through the Streets by the Populace, and that he arrived at the Court House a few Minutes after; and that the said *John Lowry* was not more than a Mile and a Half distant from the Court House at the same Time; where he was stopped by a Messenger sent to inform him that the Poll was closed, when he expressed his Uneasiness that he should return without being of Service to his Friends, naming Mr *George Wythe* and the Petitioner: It also appears from

the Oaths of the said *Johnson Mallory* and *John Lowry*, that had they been polled at the said Election they would have voted for the said *George Wythe* and the Petitioner.

Resolved, That it is the Opinion of this Committee that the Names and Votes of the said *Johnson Mallory* and *John Lowry* ought to be added to the Petitioners Poll.

It appears to your *Committee*, on Examination of a Copy of the Poll taken at the said Election, that the fitting Member had 2 Votes more than the Petitioner; but that 3 of the Persons who voted for the fitting Member, namely, *Signe Parish*, *Samuel Dewberry*, Jun. and *Thomas Payne*, it is the Opinion of your Committee had no Right to vote at the said Election: And your Committee are also of Opinion that 1 of the Persons who voted for the Petitioner at the said Election, namely, *John Buck*, had no Right so to do; but that by adding the Votes of the said *Thomas Warrington*, *Johnson Mallory* and *John Lowry*, to the Petitioner's Poll, he hath a Majority of legal Votes. *And therefore*

Resolved, That it is the Opinion of this Committee that the said Mr *William Wager* is not duly elected to serve as a Burgess in this present General Assembly for the County of *Elizabeth City*.

Resolved, That it is the Opinion of this Committee that the Petitioner Mr *James Wallace* is duly elected to serve as a Burgess in this present General Assembly, for the said County.

The *first* Resolution being read a second Time, and the Question put that the House agree thereto,

It passed in the Negative.

The *second*, *third*, *fourth*, *fifth*, *sixth*, and *seventh* Resolutions being also read a second Time, and the Question put that the House agree thereto,

It passed in the Affirmative.

Ordered, That the *eighth*, *ninth*, *tenth*, *eleventh*, *twelfth*, and *thirteenth* Resolutions be recommitted to the said Committee.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the Committee had had under their Consideration divers Propositions and Petitions to them referred, and had come to the following Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read and agreed to by the House as follow:

Resolved, That the Petition of fundry Proprietors of Lots in, and Inhabitants of, the Town of *Blandford*, in the County of *Prince George*, praying that an Act may pass For appointing Trustees for directing, carrying on, maintaining and regulating the said Town, and to prevent Hogs running at large, therein, is reasonable.

Resolved, That the Petition of fundry Proprietors and Inhabitants of the Town of *Alexandria* in the County of *Fairfax*, praying that an Act may pass For enlarging said town, agreeable to a Plan to the said Petition annexed, is reasonable.

Resolved, That the Petition of *William Tyler*, praying that the Rates of Ferriage may be enlarged at the Ferry established from his Land, over *Potowmack* River, to *Cedar Point*, in *Maryland*, is reasonable. 32

Resolved, That the Petition of fundry Ordinary Keepers in *York Town*, praying that the Act of Assembly, entitled, *An Act for regulating Ordinaries, and Restraints of Tippling Houses*, may be amended, is reasonable.

Resolved, That the Petition of fundry Inhabitants in, and adjoining to, a Place called *Shepherd's Town*, in the County of *Frederick*, praying that an Act may pass For Establishing a Town at that Place is reasonable.

Ordered, That a Bill or Bills be brought in pursuant to the said Resolutions, and it is referred to the Committee of Propositions and Grievances to prepare and bring in the same.

Mr *Landon Carter* presented to the House, according to Order, a Bill For regulating the Fees and Charges for Persons practicing in Physick, Surgery and Midwifery, in this Colony; which was read the first Time, and ordered to be read a second Time.

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¹ Hening, VI, p. 71.

A *Petition* of divers Inhabitants of the County of *Lunenburg*, praying that the said County may be divided into three distinct Counties, and that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

A *Claim* of *William Cromwell*, for taking up a Defenter belonging to the first *Virginia* Regiment.

Also several *Accounts* and *Claims* of fundry Inhabitants of the County of *Frederick*, for Provisions and other Necessaries furnished the Forces in the Service of this Colony, and for tributary *Indians*, in their marching through the Country, and for Expresses; were severally presented to the House and received, and referred to the Consideration of the Committee of Claims.

A *Petition* of fundry Inhabitants of the County of *Hampshire*, setting forth that the Right Hon. the Lord *Fairfax* has laid off 50 Acres of Land at a Place called *Pearfall's Level*, in the said County, and praying that a Town may be established thereon, and that they may enjoy the usual Privileges with other Towns in this Colony, was presented to the House and read.

Ordered, That a Bill or Bills be brought in pursuant to the said *Petition*, and it is referred to Mr *Mercer* and Mr *Rutherford* to prepare and bring in the same.

And then the House adjourned until Tomorrow Morning 11 o'Clock

Saturday, the 13th of November, 3 Geo. III. 1762.

MR Attorney, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill For removing the publick Warehouses for the Inspection of Tobacco from *Yeocomico* to New Landing, on *Yeocomico* River, in the County of *Westmoreland*; and the same was read the first Time, and ordered to be read a second Time.

A *Bill* To empower the Vestry of the Parish of *St. Patrick*, in the County of *Prince Edward*, to levy for *Thomas Wood* a reasonable satisfaction for his Expenses in building a Church there, which was burnt down before it was finished.

Also a *Bill* For setting the Bounds between the Parishes of *Martin's Brandon* and *Bristol*, in the County of *Prince George*.

³³ Also a *Bill* For regulating the Fees and Charges of Persons practicing in Physick, Surgery, and Midwifery, in this Colony, were severally read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A *Petition* of divers Inhabitants of the Parish of *Hampshire*, in the County of *Hampshire*, setting forth that the late Election of Vestrymen for the said Parish was illegal, and praying that the same may be dissolved, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

And then the House adjourned until Monday Morning 11 o'Clock.

Monday, the 15th of November, 3 Geo. III. 1762.

A *Petition* of fundry Inhabitants of the County of *Fauquier*, praying that a Town may be established on the Land of *Richard Henry Lee*, Esq; whereon the Court House for the said County now stands, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report their Opinion thereon to the House.

An *Account of John Robinson*, for Boat Hire and extra Expences in the conducting several Soldiers to *Fredericksburg*, was presented to the House and received, and referred to the Consideration of the Committee of Claims.

An engrossed *Bill* For settling the Bounds between the Parishes of *Martin's Brandon* and *Bristol*, in the County of *Prince George*, was read a third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *Bland* do carry the said Bill to the Council for their Concurrence.

On a *Motion* made,

Ordered, That the Treasurer be empowered and directed to discharge the several Sheriffs against whom he hath received Judgment for the Penalty of their Bonds, upon receiving the Sums actually due from them, and their paying the Costs occasioned by his Motion against them.

An engrossed *Bill*, entitled, *An Act to empower the Vestry of the Parish of St. Patrick, in the County of Prince Edward, to levy for Thomas Wood a reasonable Satisfaction for his expences in building a Church there, which was burnt down before it was finished*, was read a third Time.

Resolved, That the Bill do pass.

Ordered, That Mr *Attorney* do carry up the said Bill to the Council for their Concurrence.

A *Petition* of *John McDonald*, late a Soldier in the *Virginia* Regiment, setting forth that he has been in the Service 3 Years; that he was wounded in his Thigh in General *Braddock's* Engagement, which has rendered him incapable of getting a Livelihood as formerly; and praying the Consideration of the House, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of Mr *Edmund Pendleton*, Mr *Baylor* and Mr *Washington*; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Tuesday, the 16th of November, 3 Geo. III. 1762.

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AN engrossed *Bill*, for regulating the Fees and Charges of Persons practicing in Surgery and Midwifery, in this Colony, was read the third Time; and the Question being put that the said Bill do pass.

It passed in the Negative.

Ordered, That the said Bill be rejected.

Mr *Bland*, from the Committee of Privileges and Elections, reported that the Committee had had under their Consideration as well the Petition of Mr *John Clack*, complaining of an undue Election and Return of Mr *Isaac Rowe Walton* to serve as a Burgess in this present General Assembly, for the County of Brunswick, to them referred, as also the Report made by the Committee who were appointed to take the Depositions of Witnesses in Behalf of both Parties, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to, with an Amendment, as follow:

Resolved, That the said Commissioners have not fully executed the Orders of this House made on the said Petition, as on the 6th Day of *November*, 1761; and that the said Report is insufficient for the House to proceed thereon.

Resolved, That the Petitioner and fitting Member be at Liberty to examine Witnesses before *John Willis*, *Nathaniel Edwards*, *Drury Stith*, *John Maclin*, *Nicholas Edmunds*, *James Wall* and *William Edwards*, or any 3 of them, as to the Freeholds of any Person who voted at the said Election, although such Person did swear at the Election, or shall swear to the same on their Examination; and that they be at Liberty to
examine

examine how long such Voters have been in Possession of, and paid Quitrents for, the Lands or Tenements in Right of which they voted at the said Election; and that they return such Depositions to this House, on or before *Tuesday* the 7th Day of *December* next.

Resolved, That the further Consideration of the said Petition ought to be put off until the 7th Day of *December* next.

The *Order* of the Day being read for the House to resolve itself into a Committee, to take into their further Consideration the Governour's Speech.

Resolved, That this House will again resolve itself into the said Committee Tomorrow. And then the House adjourned until Tomorrow Morning 11 o'Clock.

Wednesday, the 17th of November, 3 Geo. III. 1762.

ON a Motion made,

Ordered, That Leave be given to bring in a Bill To alter the Court Day of the County of *Prince Edward*, and it is referred to Mr *Le Grand* to prepare and bring in the same.

An Account of *William Cunningham*, for Provisions for the Use of the *Prince William* Militia, when stationed at *Orestes* Fort, in the Year 1758, was presented to the House and received, and referred to the Consideration of the Committee of Claims.

Mr *Landon Carter*, from the Committee of Courts of Justice, reported that the Committee had, according to Order, examined what Laws have expired since the last Session of Assembly, and inspected such Laws as will expire at or soon after this Session of
33 Assembly; and had agreed on a Report, and come to several Resolutions thereon, which he read in his place, and then delivered in at the Table, where they were again twice read, and agreed to, and are as follow:

Resolved, That the Act of Assembly made in the 22^d Year of the Reign of his late Majesty King *George II*, entitled, *An Act¹ for inspecting Pork, Beef, Flower, Tar, Pitch and Turpentine*, which was revived and amended by another Act, made in the 29th Year of his said Majesty's Reign, and which expired on the 14th Day of *November*, 1761, ought to be revived.

Resolved, That the Act of Assembly made in the 30th Year of the Reign of his late Majesty King *George II*, entitled, *An Act² for better regulating and disciplining the Militia*, which was continued by another Act made in the 32^d Year of his said late Majesty's Reign, and which will expire the 8th Day of *June*, 1763, ought to be further continued, with Amendments.

Resolved, That the Act of Assembly made in the 30th Year of the Reign of his late Majesty King *George II*, entitled, *An Act³ for reducing the several Acts for making Provision against invasions and Insurrections into one Act*, which was continued by the two other Acts, one in the 32^d Year of his said late Majesty's Reign, and the other in the 1st Year of his present Majesty's Reign, and which will expire on the 8th Day of *June*, 1763, ought to be further continued.

Resolved, That the Act of Assembly made in the 19th Year of the Reign of his late Majesty King *George II*, entitled, *An Act⁴ for better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*, which was continued and amended by another Act made in the 1st Year of his present Majesty's Reign, and which will expire the 12th Day of *April*, 1764, ought to be further continued, with Amendments.

Resolved, That the Act of Assembly made in the 22^d Year of the Reign of his late Majesty King *George II*, entitled, *An Act⁵ for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs*, together with three other Acts made in the 25th, 27th and 28th, Years of his said late Majesty's Reign, also one other Act made in the 1st Year of his present Majesty's Reign, for continuing and amending the same, which
will

¹ Hening, VI, p. 146.

² *Ibid.*, VII, p. 93.

³ *Ibid.*, VII, p. 106.

⁴ *Ibid.*, V, p. 326

⁵ *Ibid.*, VI, p. 154.

will expire at the End of the Session of Assembly, to be held next after the 10th Day of April, 1764, ought to be further continued, with Amendments.

Ordered, That a Bill or Bills be brought in pursuant to the 1st Resolution, and it is referred to the Committee of Trade to prepare and bring in the same.

Ordered, That a Bill or Bills be brought in pursuant to the 2^d and 3^d Resolutions, and it is referred to the Committee of Propositions and Grievances to prepare and bring in the same.

Ordered, That a Bill or Bills be brought in pursuant to the 4th Resolution, and it is referred to the Committee for Courts of Justice to prepare and bring in the same.

A *Petition of John Cocke*, praying that a Ferry may be established from his Land, known by the Name of *Scotland Neck*, in the County of *Surry*, over *James River*, to *James Town*, on the opposite Shore, was presented to the House and received.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Petition of Thomas Bullett, John Blagg and William Fleming*, Captains, and *James Walker*, Ensign, in the *Virginia Regiment*, setting forth that they were appointed to enlist Recruits for the said Regiment, and did severally enlist a Number of Men; and pursuant to their Instructions, and the Act of Assembly for that Purpose, did advance them the Bounty Money allowed by the said Act, and were at a great Expence for their Subsistence; That several Men so enlisted deserted from them respectively before they arrived at the Place of General Rendezvous, or had been examined or received by any Field Officer belonging to the said Regiment; for which Reason as well the Paymaster of the Regiment, as the Commissioners appointed to examine and settle the Accounts of the Expenses of raising and maintaining the same, do refuse to make them any Allowance: And praying the Consideration of this House, was presented to the House and read. 34

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinions thereupon, to the House.

Mr *Pendleton*, from the Persons appointed to whom the Petition of *John M^c Donald* was referred, reported that they had examined into the Allegations thereof, and agreed upon a Report, and come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where the same was again twice read, and agreed to by the House, as follows:

It appears that the said *M^cDonald* was a Soldier in Captain *Dagworthy's* Company, in the Service and Pay of *Maryland*, from the Year 1754 until the Year 1756, when he was discharged, having in General *Braddock's* Engagement received the Wound in his Petition mentioned, and that he was not in the Service or Pay of this Colony.

Resolved, That the said Petition be rejected.

Mr *Bland*, from the Committee of Privileges and Elections, reported that the Committee had had under their further Consideration that Part of their Report made on *Friday* last, relating to the Petition of Mr *James Wallace*, complaining of an undue Election and Return of Mr *William Wager* to serve as a Burgess in this present General Assembly for the County of *Elizabeth City*, which was recommitted to them, and had agreed upon a Report, and come to several Resolutions thereupon, which he read in his Place, and then delivered in at the Table, where the same was again twice read, and agreed to by the House, as follows:

It appears to your Committee that *John Buck*, who voted for the Petitioner at the said Election, held 133 or 134 Acres of Land in the said County, in Right of his Wife; but before the said Election he sold 100 Acres, more or less, Part of the said Land, to one *Mary Roberts*, and also 15 Acres, other Part of the said Land, to his Father *Benjamin Buck*, and made a Deed for the same to the said *Benjamin*, for the Life of his the said *John's* Wife, which Deed was never recorded, but is now in the Possession of one *Lockey Collier*: That the said *Benjamin* built a House on the said 15 Acres of Land, and was in Possession thereof upwards of three Years, when the said House was burnt down about the

the 1st of November, 1760: That the said 133 or 134 Acres were laid off in the Widowhood of the said *John Buck's* Wife, being her Dower in her former Husband's Estate: That after the said *Benjamin Buck's* House was burnt down he removed, and the said *John Buck* his Son then sold the said 15 Acres to one *Charles Jennings*, of whom he received £ 3, in Part of the Consideration Money, but never made him any Deed for the same: That the said *John Buck*, often before his said Father's Removal, offered the said 15 Acres of Land for Sale; but his Father objected to it, alleging he had a Deed for the said Land from his Son: That the said *John Buck* always paid the Quitrents for the whole 133 or 134 Acres of land, and was repaid for the 100 Acres he sold to *Mary Roberts* by her Son *William Mallory*; but never received, or expected to receive, the Quitrents for the 15 Acres he had sold to his said Father: That after the House which *Benjamin Buck* had built was burnt down, the said *Benjamin* removed from the said Land; and the said *John Buck*, some Time before Christmas, 1760, took Possession of the same, without his Father's Consent, and was in Possession thereof at the Time of the said Election: And that at the Time of the said Election the said Parties were all living. It further appears to your Committee that the Land in Right of which the said *John Buck* voted was Part of a Tract of Land belonging to *Lockey Collier*, an Infant, and that no other Person voted in Right of the said Land; and that he would not have taken the Oath prescribed by Law if it had been required of him.

Resolved, That it is the Opinion of this Committee that the said *John Buck* had no Right to vote for Burgeffes at the said Election.

Your Committee further beg Leave to inform the House that *Edward Yeargain*, who also voted for the Petitioner at the said Election, was possessed of 18 Acres and a Half of Land in the said County, where he then lived, and also of another Tract of 50 Acres, which is separated from the Land he lives on by one *James Priest's* Land: That there is no House on the said 50 Acres of Land, and that he always paid Quitrents for both the Tracts, amounting together to 68 Acres and a Half.

Resolved, That it is the Opinion of this Committee that the said *Edward Yeargain* had a good Right to vote for Burgeffes at the said Election.

Your Committee also beg Leave to inform the House that it appears to them that the Reverend Mr *Thomas Warrington*, Rector of the Parish of *Elizabeth City*, in the said County of *Elizabeth City*, having been in Possession of his Glebe for some Years, containing by Computation about 100 Acres, with competent Buildings thereon, appeared at the said Election, and offered to vote for Mr *Wythe* and the Petitioner; but refusing to take the Oath prescribed by Law, which was required of him, he was not allowed to vote at the said Election, but his Name was endorsed on the Back of the Poll.

Resolved, That it is the Opinion of this Committee that the said *Thomas Warrington* had a good Right to vote for Burgeffes at the said Election, and that his Vote ought to be added to the Petitioner's Poll.

It further appears to your Committee, by the Testimony of Doctor *John Brodie*, Mr *John Tabb* (now dead) *William Read*, *John Selden* and *John Casey*, that on the Day of the said Election, on the Application of the Petitioner and some of his Friends, and particularly of the said Doctor *Brodie*, and with the Approbation and Consent of all the Candidates at the said Election, the Sheriff of the said County did agree to postpone closing the Poll until Sunsetting; and that thereupon the said *Brodie*, with some other Freeholders, went out of Town, in Order to bring in two other Freeholders, by Name *Johnson Mallory* and *John Lowry*, the elder, to give their Votes at the said Election, who thereupon immediately prepared to set out for the Court House, but were told they need not hurry themselves, as it was agreed that the Poll was not to be closed until Sunset. It also appears to your Committee that the said Sheriff, having after the said Agreement received and polled two Voters for the fitting Member, and one for the Petitioner, closed the Poll about an Hour and a Half before Sunset, although the Petitioner and some of his Friends, and particularly of the said *John Tabb*, earnestly desired him to defer closing the Poll, as some of the Petitioner's Friends were then on their Way to the Courthouse, and would be there, as he expected, in a short Time; to whom the said Sheriff

Sheriff made answer, "That he knew his Duty, and should not be directed by him; and that he should close the Poll when he thought proper." And that the said Sheriff being told by the said *John Tabb* "That the Reason of his making that Application was, that knowing if he closed the Poll before the Petitioner's Voters came in, it would occasion a Complaint elsewhere, or above," he answered with Warmth, "He did not value him, or he might do as he pleased." It further appears that at the Time of closing the Poll the said *Johnson Mallory* was within the Town, and so near the Courthouse as to be able to distinguish the fitting Member carried off through the Streets by the Populace; and that he was at the Courthouse within five Minutes after the Poll was closed, and that the said *John Lowry* was not more than a Mile and a Half distant from the Courthouse at the same Time, and would have been there in a Quarter of an Hour, but was stopped by a Messenger, sent to inform him that the Poll was closed, when he expressed his Uneasiness that he should return without being of Service to his Friends, naming Mr *Wythe* and the Petitioner. It doth also appear to your Committee, by the Testimony of *Henry King*, *John Bullock*, *Cary Selden*, the said *George Walker* the Sheriff, and *Robert Brough*, that the said Sheriff had agreed to defer closing the Poll for three Hours only from the Time he was first applied to by the Petitioner and his Friends, and that he called for a Watch, which was lent to him by one of the By Standers, in order to fix the Expiration of the said 3 Hours; and that when the Poll was closed the Sheriff ordered publick Proclamation to be made, and declared he had exceeded the three Hours about ten Minutes. It also appears that when application was made as aforesaid, and it was proposed to keep the Poll open until Sunfet, the fitting Member objected to it, and said they might as well keep the Poll open until the next Day as until Sunfet, because he could by that Time get Voters from *Norfolk*, and that the Petitioner also said he could get Voters from thence by that Time; but the said Sheriff refused to adjourn the said Poll until the next Day, saying he had never known nor heard of such a Precedent in the Country. It further appears to your Committee that the said *John Brodie*, on his Examination before the Commissioners appointed to take the Depositions in this Dispute in the Country, did refuse to answer several pertinent and material Questions that were put to him by the fitting Member, relative to the Time agreed on for closing the Poll. Your Committee also beg Leave to inform the House that it appears, from the Oaths of the said *Johnson Mallory* and *John Lowry*, that had they been polled at the said Election, they would have voted for Mr *Wythe* and the Petitioner; and that the said Sheriff declared before your Committee that had the Number of Voters at the closing the said Poll been equal, he should have returned the fitting Member.

Resolved, That it is the Opinion of this Committee that the Names and Votes of the said *Johnson Mallory* and *John Lowry* ought not to be added to the Petitioner's Poll.

It appears to your Committee, on Examination of a Copy of the Poll taken at the said Election, that the fitting Member had two Votes more than the Petitioner; but that two of the Persons who voted for the fitting Member, to wit, *Samuel Dewberry*, Jun. and *Thomas Payne*, it is the Opinion of your Committee, had no Right to vote at the said Election; and that one of the Persons who voted for the Petitioner at the said Election to wit, *John Buck*, had no Right so to do; and that the Vote of the said *Thomas Warrington* ought to be added to the Petitioner's Poll; and that the fitting Member and the Petitioner have an equal Number of legal Votes; and therefore

Resolved, That the said Mr *William Wager* is duly elected to serve as a Burgees in this present General Assembly for the County of *Elizabeth City*.

On a Motion made,

Ordered, That Leave be given to bring in a Bill To explain and amend one Act of Assembly, made in the 4th Year of the Reign of Queen *Anne*, entitled, *An Act for regulating the Election of Burgeesses, for settling their Privileges, and for ascertaining their Allowances*.

Also one other Act made in the tenth Year of *George II.* entitled, *An Act to declare who shall have a Right to vote in the Election of Burgeesses to serve in the General Assembly for*

¹ Henning, III, p. 236.

² *Ibid.*, IV, p. 475.

for Counties, and for preventing fraudulent Conveyances, in Order to multiply Votes at such Election; and it is referred to Mr Richard Henry Lee, Mr Pendleton and Mr Bland, to prepare and bring in the same.

Ordered, That Mr Bowler Cocke, Mr Richard Eppes and Mr Washington, be added to the Committee of Propositions and Grievances.

An Account of James Patty, praying an Allowance for 30 Days lost Time of his Slave Gilbert, by being frostbitten during his Confinement in Caroline Gaol, whereto he was committed, on Suspicion of Felony, and acquitted, was presented to the House and received, and referred to the Consideration of the Committee of Claims.

Mr Attorney, from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration divers Propositions and Petitions to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Petition of fundry Inhabitants of the Counties of James City and Charles City, praying that the publick Warehouses at Hog Neck may be discontinued, and other Warehouses established at Barrett's Ferry, in the said County be rejected.

Resolved, That the Petition of fundry Inhabitants of the Counties of James City and New Kent, in Opposition thereto, and praying that the Warehouses may be still continued at Hog Neck, is reasonable.

Resolved, That the Petition of fundry Inhabitants of the Counties of Surry and James City, praying that publick Warehouses for the Inspection of Tobacco may be established at James Town, on the Land of John Ambler, Esq; be rejected.

Resolved, That the Petition of fundry Inhabitants of the Counties of Amherst and Buckingham, praying that they may be reimbursed by the Inhabitants of the County of Albemarle their proportionable Part of the Money expended in the Purchase of Scales and Measures of the Standard of England, for the publick Use of the said County of Albemarle, before the same was divided, is reasonable.

Resolved, That the Petition of fundry Inhabitants of the upper Part of the County of King and Queen, praying that the said County may be divided, according to the Lines and Bounds in the said Petition particularly expressed, and that that Part of the said County lying above those Bounds may be united to, and made Part of, the County of Caroline, is reasonable.

Resolved, That the Petition of fundry Inhabitants of the Parish of Nottoway, in the County of Southampton, praying that the said Parish may be divided, is reasonable.

Resolved, That so much of the Petition of fundry other Inhabitants of the said County and Parish, praying that the said Parish may be divided as aforesaid, is reasonable.

38 Resolved, That the Residue of the said last mentioned Petition, praying that the said County of Southampton may be divided, be rejected.

Resolved, That the Petition of fundry other Inhabitants of the said Parish, in Opposition to the two other Petitions for dividing the said Parish, be rejected.

Resolved, That the Petition of fundry Inhabitants of the Parish of Hampshire, in the County of Hampshire, complaining of the Illegality of the Sheriffs Proceeding in electing the present Vestry of the said Parish, and praying that the same may be dissolved, is reasonable.

Resolved, That the Petition of fundry Inhabitants of the County of Fauquier, praying that a Town may be established on the Land of Richard Henry Lee, Esq; contiguous to the Courthouse of that County, or on the Land of William Edmunds, or John Hitt, adjoining thereto, be rejected.

Resolved, That the Petition of fundry Justices of the Peace of the County of Northumberland, in Behalf of themselves, and all others his Majesty's Justices of the Peace in this Colony, praying that they may be exempt from attending at the private and general Musters of the Militia in their respective Counties, is reasonable.

Ordered

Ordered, That a Bill or Bills be brought in pursuant to the 4th, 5th, 6th and 9th, Resolutions; and it is referred to the Committee of Propositions to prepare and bring in the same: And that it be an Instruction to the Committee to whom it is referred to prepare and bring in a Bill For amending and further continuing the Act for the better regulating and disciplining the Militia, that they receive a Clause or Clauses pursuant to the last Resolution.

The *Order* of the Day being read for the House to resolve itself into a Committee, to take into their further Consideration the Governour's Speech.

Resolved, That this House will again resolve itself into the said Committee Tomorrow.

Ordered, That it be an Instruction to the Committee to whom it is referred to bring in a Bill For adding Part of the County of *King* and *Queen* to the County of *Caroline*, that they receive a Clause or Clauses, To alter the Court Day of the said County of *King* and *Queen*.

Ordered, That Mr *Wallace* do pay unto Mr *William Wager* his Expenses occasioned by his Petition, and it is referred to the Committee of Claims to regulate and settle the same.

Ordered, That Mr *Carrington* be added to the Committee of Claims and Courts of Justice, and Mr *Rutherford* to the Committee of Claims.

A *Petition* of *Ralph Wormeley*, Esq; setting forth that he is seized as Tenant in Fee Taille of two small Tracts of Land, the one lying in *Gloucester* County, containing 450 Acres, and the other lying in the County of *Middlesex*, containing 300 Acres, which Lands he can dispose of at a Price very advantageous to his Family; and at the same Time, as they are detached from his other entailed Estate, they will not be so valuable to his Heir as other contiguous Lands, which may be settled in Lieu thereof; and praying that an Act may pass To dock the Entail of the said two Tracts of Land, and to settle other Lands to the same Uses; was presented to the House, and read.

Ordered, That a Bill be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Pendleton* to prepare and bring in the same.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Thursday, the 18th of November, 3 Geo. III. 1762.

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SEVERAL *Claims* of *Adam Broyle*, the Widow of *Jacob Broyle*, and *John Lowry*, for taking up Runaways therein mentioned.

Also an *Account* of *Joseph Patterson*, to be allowed for a Horse impressed by *John Miller*, Jun. to carry a Criminal from the County of *Caroline* to *Williamsburg*, which was detained from him three Days.

Also an *Account* of *Chesterfield Forge*, against the Publick for 1991 Pounds of Tobacco; were severally presented to the House and received, and referred to the Consideration of the Committee of Claims.

Several *Accounts* of *Ger sham Keys*, for Provisions furnished the Militia of *Fairfax* County, drawn out into actual Service.

Also an *Account* of *Samuel Vance*, for Powder and Ball purchased by him of *Alexander Sayers*, for the Use of the Militia under his Command at Fort *Ligonier*, in 1758.

Also an *Account* of *Adolph Iler*, for a Beef furnished the *Cherokees*; were severally presented to the House, and received.

Ordered, That the said Accounts be referred to the Consideration of the Committee of Claims; that they examine the Allegations thereof, and report the same, with their Opinions thereon, to the House.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To repeal so much of the Act of Assembly made in the 25th Year of his late Majesty's Reign, entitled, *An Act for building*

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a *Bridge over Appomattox River, by Subscription*, as relates to the prohibiting the Justices of the Counties of *Chesterfield* and *Dinwiddie* from building a Bridge at the Place in the said Act mentioned at the Charge of their Counties; and it is referred to Mr *Bland*, Mr *Cary* and Mr *Eppes*, to prepare and bring in the same.

Mr *Attorney*, one of the Members of the Committee of Correspondence, named in the Act for appointing an Agent, according to Order, laid before the House the Register of the Proceedings of that Committee.

Also a *Bill* from the Committee of Propositions and Grievances For dividing the Parish of *Accomack*, in the County of *Accomack*, into two distinct Parishes.

Also a *Bill* For building a Bridge over *Nottoway River*, from the Land of *Jesse Brown*, by Subscription; and the same was severally read the first Time, and ordered to be read a second Time.

A *Petition* of divers Inhabitants of the Parish of *St. Margaret's*, in the County of *Caroline*, praying that the said Parish may remain in the State and Condition it is now in; and that the *Petition* from the Parish of *St. David*, in the said County, praying that some of the Tithables of *St. Margaret's* Parish may be added to the Parish of *St. David*, in Order to make the Number of Tithables in each Parish equal, may be rejected; was presented to the House, and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

On a *Motion* made,

Ordered, That Leave be given to bring in a *Bill* For establishing a more easy and expeditious Method for the Trial of Criminals, and of Causes depending in the General Court; and it is referred to Mr *Richard Henry Lee* and Mr *Bland* to prepare and bring in the same.

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Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration divers Propositions and Petitions from several Counties to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, and are as follow:

Resolved, That the *Petition* of fundry Inhabitants of the Parishes of *Dettingen* and *Hamilton*, in the Counties of *Prince William* and *Fauquier*, praying that those two Parishes may be divided into three distinct Parishes, according to the Lines and Bounds in the said *Petition* particularly expressed, be rejected.

Resolved, That the *Petition* of fundry Inhabitants of the Counties of *Fairfax* and *Loudoun*, praying that the publick Warehouses for the Inspection of Tobacco at *Occoquan*, in the said County of *Fairfax*, may be discontinued, and that new Warehouses may be established at the Town of *Colchester*, in the said County, is reasonable.

Ordered, That it be an Instruction to the Committee of Propositions and Grievances to whom it is referred to prepare and bring in a *Bill* For amending and further continuing the Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs, that they receive a Clause or Clauses pursuant to the 2^d Resolution.

Mr *Attorney* also reported that the said Committee had had under their further Consideration the *Petition* of fundry Inhabitants of the County of *Hampshire* to them recommended, praying that a Town may be laid off and established at a Place called *Tucker's Plantation*, on the Land of Lord *Fairfax*, in the said County, and had come to a Resolution thereon.

Resolved, That the said *Petition* be rejected.

Two *Petitions* from the Town of *Dumfries*, in the County of *Prince William*, praying that new Warehouses for the Inspection of Tobacco may be built on Lots No. 172 and 174, in the said Town, and to be under one and the same Inspection; and that an Act may pass for that Purpose, was presented to the House and read.

Also a *Petition* of several Merchants, Commanders of Ships, and others, trading to the Town of *Dumfries*, in Opposition thereto.

Ordered

Ordered, That the said Petitions be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof; and report the same, with their Opinion thereon, to the House.

A *Petition* of *Charles Carter*, Esq; setting forth that he is seized in Fee Taille of and in a Tract of Land, containing about 300 Acres, commonly called and known by the Name of *Norman's Ford*, in the County of *Culpeper*; and that he is also seized in Fee Simple of a Tract of Land, in the County of *King George*, containing about 700 Acres; and that it would be of great Advantage to the Petitioner, and the Heir in Taille, to dock the Entail of the said 300 Acres of Land, and to settle the said 700 Acres, which is of greater Value, to the same Uses; and praying that an Act may pass for that Purpose.

Ordered, That a Bill be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Bland* to prepare and bring in the same.

Mr *Cary*, from the Committee of Claims, reported that the Committee had had under their Consideration the Petition of *John Buchanan* to them referred, and come to a Resolution thereupon; which he read in his Place, and then delivered in at the Table, where the same was again twice read, and agreed to by the House, as follows:

Resolved, That the Petition of *John Buchanan*, praying to be allowed for his Services 41 in purchasing Provisions for the *Cherokees*, be rejected.

A *Petition* of several Merchants and others, in behalf of the Inspectors at *Shockoe* and *Byrd's* Warehouses praying that their Salaries may be augmented, adequate to their Trouble, was presented to the House and read, and ordered to lie on the Table.

A *Petition* from the County of *Caroline*, to alter the Execution Law; and that the Proprietors of all publick Warehouses for the Reception of Tobacco may be obliged constantly to keep good and sufficient Skiets to raise the Tobacco six Inches from the Ground, was presented to the House and read; and the Question being put that the said Petition be referred to a Committee,

It passed in the Negative.

Resolved, That the said Petition be rejected.

Mr *Mercer* presented to the House, according to Order, a Bill For establishing the Town of *Romney*, in the County of *Hampshire*; and the same was read the first Time, and ordered to be read a second Time.

A *Bill* To oblige all Captains or Commanders of Vessels, taking in Tobacco on Freight in this Colony, to make Publication of the Freight they shall sail at, before their Loading shall be obtained, was read the second Time.

Ordered, That the said Bill be engrossed and read a third Time.

Ordered, That Mr *George Johnson* be added to the Committee for Courts of Justice.

The *Order* of the Day being read, for the House to resolve itself into a Committee to take into their further Consideration the Governours Speech.

Resolved, That this House will again resolve itself into the said Committee on Monday next.

A *Petition* of the Justices of the County Court of *York*, setting forth that they have expended the Sum of £14 in repairing the publick Wharf at the Tobacco Inspection at *York Town*, that the Rents of the Warehouses at the said Inspection are insufficient to reimburse the said Sum, and praying they may be allowed the same by the Publick, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereupon, to the House.

A *Petition* of *Nathaniel Stedman*, a Soldier in Major *Lewis'* Company, in the late *Virginia* Regiment, setting forth that he was left at Fort *Pitt*, under the Command of Capt. *Waggoner*, in the Month of 1758, and on the 9th of *May* following he was taken Prisoner by the *Indians*, and carried into the Enemies Country, where he remained in Captivity until the 7th of *August*, in the Year 1761, when he made his Escape from the Savages; that on his Return back to his Regiment, he was taken sick at

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Yawyawgania, and continued there until he enlisted into the present Regiment; but the many Hardships he underwent during his Captivity, which was the Cause of his long Sickness, disabled him joining his Corps before it was disbanded; and praying that this House will take his Case into Consideration, and order him his Pay, and some Satisfaction for his Sufferings during his long Captivity among the Savages, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of Mr *Mercer* and Mr *Washington*; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Friday, the 19th of November, 3 Geo. III. 1762.

SEVERAL *Members* returned upon new Writs, having taken the Oaths appointed to be taken by Act of Parliament, instead of the Oath of Allegiance and Supremacy, and taken and subscribed the Oath of Abjuration, and also repeated and subscribed the Test, took their Seats in the House.

Several *Claims* of *Grief Randolph*, *William Tacket* and *John Galldhew*, for taking up Runaways therein mentioned, were severally presented to the House and received, and referred to the Consideration of the Committee of Claims.

A *Petition* of *William Purrel*, praying that he may be allowed for going Express to the fourth Branch of *Potowmack*, to the Captain of the *Prince William* Militia, by Order of the Commanding Officer of the said County, and returning immediately back to the said County.

Also a *Petition* of *John Posey*, a Lieutenant in the *Virginia* Regiment, praying that he may be allowed for several Men enlisted by him, and deserted after being legally passed, and his Ferriages and Charges, for all which he has proper Vouchers; and praying the Consideration of the House therein, were severally presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Motion* was made for Leave to bring in a Bill To oblige the Justices of the County Court of *Prince William* to levy for the Inhabitants of *Fauquier* County their Proportion of a Sum of Money levied on the Tithables of the said County of *Prince William* before it was divided, and laid out in the Purchase of Arms, now retained for the Use of the said County at *Prince William*; and the Question being put there upon,

It passed in the Negative.

A *Petition* of sundry Attorneys practising in the several Courts of this Colony, praying that the Act, entitled, *An Act for regulating the Practice of Attornies*, may be amended, and that their Fees may be made distrainable, and that they may receive such other Redress as this House shall think reasonable, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with Opinion thereon, to the House.

A *Petition* of *William Edwards* and *James Price*, Inspectors at *Gray's Creek* Warehouse, in the County of *Surry*, setting forth that the Salary allowed by Law is not a sufficient Satisfaction for their Trouble; and praying that their Salaries may be increased, so as to be adequate to the Trouble they are at in the Execution of their said Office, was presented to the House and read, and ordered to lie on the Table.

Mr *Cary*, from the Committee of Claims, reported that the said Committee had had under their Consideration two Petitions to them referred, and had come to two Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again read, and are as follow:

Resolved

Resolved, That the Petition of *John Gatewood*, and others, Legatees, claiming under the Will of *John Gatewood*, deceased, to be allowed for *Tom*, a Negro Man Slave who was apprehended and committed for Burglary; and by Severity of the Weather during his imprisonment so frostbitten that, though he was afterwards acquitted, his Legs were cut off, and he died soon after, is reasonable; and that they ought to be paid by the Publick the Sum of £80 for the said Slave, and also the Sum of £11 16s. to reimburse them for so much paid in endeavouring to cure the said Slave. 43

Resolved, That the Petition of Capt. *Thomas Bullett*, Capt. *John Blagg*, Capt. *William Fleming* and Ensign *James Walker*, Officers of the *Virginia* Regiment, to be reimbursed the Bounty Money and Subsistence of several Recruits by them enlisted for the said Regiment, who deserted before they arrived at the Place of Rendezvous, is reasonable; and that they ought to be allowed the Sums following, viz. The said *Thomas Bullett* the Sum of £ 41 16s. 8d. the said *John Blagg* the Sum of £ 51 11s. 4d. the said *William Fleming* the Sum of £ 20 8s. and the said *James Walker* the Sum of £ 67, being the Sums severally paid by them for the Bounty and Subsistence of the Recruits enlisted by the said Officers respectively.

The *first* Resolution being read a second Time, was agreed to by the House.

The *last* Resolution being also read a second Time, and the Question put that the House agree thereto,

It passed in the Negative.

On a *Motion* made,

Ordered, That so much of the Report as relates to the Petition of Capt. *Thomas Bullett*, and the other Officers therein mentioned, be recommitted to the said Committee.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration fundry Propositions and Petitions to them referred, and had come to several Resolutions thereupon; which he read in his Place, and then delivered in at the Table, where they were again read, and are as follow:

Resolved, That the Petitions of fundry Inhabitants of the County of *Prince William*, and of several Merchants, and other Traders, Inhabitants of the Town of *Dumfries*, in that County, praying that additional Warehouses may be established in the said Town for the Reception of Tobacco, on the Lots therein mentioned, and numbered 172 and 174, to be put under one Inspection with the present Warehouses in the said Town, be rejected.

Resolved, That the Petition of fundry other Inhabitants of the said Town, and of divers Masters of Ships trading thither, in Opposition thereto, is reasonable.

Resolved, That the Petition of fundry Inhabitants of the Parish of *Frederick*, in the County of *Frederick*, praying that the said Parish may be divided, be rejected.

Resolved, That the Petition of fundry Merchants and Traders of the County of *Fairfax*, praying that the Laws relating to Pedlars may be amended, and that they may be put under a better Regulation than they are at present, is reasonable.

Resolved, That the Petition of fundry Inhabitants of the County of *Culpeper*, praying that the Court Day of that County may be altered from the third *Thursday* to the fourth *Monday* in every Month, is reasonable.

Resolved, That the Petition of fundry Inhabitants of the County of *Lunenburg*, praying that a Ferry may be established from the Land of *Richard Fox*, over *Roanoke* River, to the Land of *James Blanton*, opposite thereto, is reasonable.

The *fourth* and *last* Resolution, being severally read a second Time, were agreed to by the House.

The *first*, *second* and *fifth* Resolutions, being also read a second Time, and the Question severally put that the House agree thereto, 44

It passed in the Negative.

Resolved, That the said Resolutions of the said Committee be rejected.

Ordered, That it be an Instruction to the Committee appointed to bring in a Bill For amending and further continuing the Act for amending the Staple of Tobacco, and preventing

preventing frauds in his Majesty's Customs, that they receive a Clause or Clauses pursuant to the first Resolution.

Ordered, That a Bill or Bills be brought in pursuant to the 4th Resolution, and it is referred to the Committee of Trade to prepare and bring in the same.

Ordered, That a Bill or Bills be brought in pursuant to the last Resolution of the said Committee, and it is referred to the Committee of Propositions and Grievances to prepare and bring in the same.

Mr *Cary*, from the Committee of Claims, reported that the said Committee had had under their Consideration an Account of Mr *Israel Christian* against the Publick, to them referred, and had come to three Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, and are as follow:

On considering the said Account, and the Vouchers thereto, it appeared to your Committee that one *Edmund Atkin*, Esq; as Agent for, and Superintendent of, the Affairs of his Majesty's Allies, the several Nations of *Indians* inhabiting the Frontiers of *Virginia*, *North* and *South Carolina*, and *Georgia*, and their Confederates, did grant a Commission to one *Christopher Gift*, deceased, bearing Date the 5th Day of *July*, 1757, appointing him Deputy Agent for *Indian* Affairs in this Colony, with an Allowance 10s. Sterling, or 12s. 6d. Current Money of *Virginia* a Day, payable out of the Money appropriated, or to be appropriated, by the Government thereof to *Indian* Service thereby, also empowering him, the said *Gift*, in Case of the Death, Resignation or Removal of either of the Conductors, Interpreters, or other Persons, appointed by him the said *Atkin*, to appoint another fit Person in his stead.

It appears to your Committee, by Virtue of the said Commission to the said *Christopher Gift*, he reciting the same, did, on the 1st Day of *January*, 1758, by Commission, appoint the said *Israel Christian* to be Conductor to the *Indians* employed in his Majesty's Service in this Colony, with an Allowance of 5s. a Day, payable out of the Money appropriated, or to be appropriated, to the southern *Indian* Service; and that during the said *Christian's* acting under the said Commission from the said *Gift*, most of the Articles and Charges in the said Account now before your Committee accrued.

It appears to your Committee that the said *Christian* always expected a Settlement and Payment of the said Account from the said *Gift*, who extracted thereout sundry Articles, amounting to the Sum of £ 162 18s. 3d. which with the Vouchers for the same were carried and presented to Major General *Amherst*, who on Account of the Crown allowed and paid to the said *Christian* the Sum of £49. 13s. 3d. in Part of the said Account so presented, the same being for Goods and Merchandize, delivered the *Indians* by the said *Christian*; the Residue of the said Account being £ 113. 5s. for Cash paid Conductors of *Indians*, was disallowed.

It appears to your Committee that the said *Israel Christian* hath delivered Goods and Merchandize to the *Indians*, amounting to £ 99. 14s. and a Halfpenny; and that the
 45 Residue of the said Account now before your Committee amounting to £ 182 15s. 6d. Halfpenny, is Part of it for Cash paid by him for Horses and Horse Hire for *Indians*, to several Persons, due before, though paid by him since his Commission from *Gift*; and the Residue of his Wages at 5s. a Day, as a Conductor, and for Cash paid other Conductors of *Indians*.

Resolved, That the said *Israel Christian* ought to be paid by the Publick the Sum of £ 99. 14s. and a Halfpenny, for sundry Goods, Wares and Merchandizes, delivered by him to the *Indians* as by his said Account appears.

Resolved, That the Sum of £ 132 5s. the said *Christian's* Pay, as Conductor to the *Indians*, be rejected, not being a publick Charge.

Resolved, That the Sum of £ 50. 10s. 6d. Halfpenny (including £ 22 disallowed by Major General *Amherst*) for so much Cash paid by the said *Christian* to several *Indian* Conductors, and for Horses and Horse Hire, be rejected, not being a publick Charge.

A Petition of *Henry Peyton*, setting forth that at a former Session of this present General Assembly he preferred a Petition to this House, complaining of an undue Election
 and

and Return of Mr *John Baylis* and Mr *Henry Lee*, to serve as Burgeffes for the County of *Prince William*, and therein charged the Sheriff of the said County with Malepractices for closing the Poll on the first Day of the Election, contrary to an Agreement entered into, with his Assent, by all the Candidates at that Election, that the Poll should be adjourned, and not closed until the second Day; and praying Leave of this House to withdraw so much of his said Petition as relates to the Sheriff's Agreement aforesaid, and that he may be permitted to proceed with a Scrutiny of the Poll only, was presented to the House and read; and the Question being put that the said Petition be agreed to,

It passed in the Negative.

Resolved, That the said Petition be rejected.

A *Petition* of *Robert M'Mahan*, of the County of *Augusta*, setting forth that in *April 1758*, a Party of *Cherokee* Indians, in their March through that County, came to the Petitioner's House, and violently took from him sundry Goods, to the Value of £20, which he has never been able to recover; and praying the Consideration of the House therein, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Saturday. the 20th of November. 3 Geo. III. 1762.

TWO Claims of *James Brown* and *Charles Tinsley*, for taking up Runaways therein mentioned, were presented to the House and received, and referred to the Consideration of the Committee of Claims.

A *Petition* of sundry Inhabitants of the several Parishes in the County of *Lunenburg*, setting forth that the said County is so very large and extensive that the Legislature thought it expedient and necessary to divide the same into three distinct Parishes, *viz: Cornwall, St. James* and *Cumberland*; that in each of the said Parishes is a very sufficient Number of Tithables to support and maintain the Expence of a County, and praying that each of the said Parishes may be erected into a distinct County, and that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House. 46

Mr *Attorney*, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill To oblige the Justices of the County of *Albemarle*, to refund to the Counties of *Amherst* and *Buckingham* their just Proportion of the Money paid for Weights and Measures before the Division of the said County of *Albemarle*; and the same was read the first Time, and ordered to be read a second Time.

Also a Bill For dissolving the Vestry of the Parish of *Hampshire*, in the County of *Hampshire*, and electing a new Vestry in the said Parish; and the same were severally read the first Time, and ordered to be read a second Time.

The House being informed that Mr *Thomas Bailey*, one of the Members for the County of *Surry*, was at the Time of his Election Sheriff for the said County;

Ordered, That the said Information be referred to the Consideration of the Committee of Privileges and Elections; that they examine into Matters thereof, and report the same, with their Opinion thereon, to the House.

A Bill For dividing the Parish of *Accomack*, in the County *Accomack*, into two distinct Parishes, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time

A *Bill* For establishing the Town of *Romney*, in the County of *Hampshire*, was read a second Time, and committed to Mr *Richard Henry Lee* and Mr *Henry Lee*; and

On a *Motion* made,

Ordered, That it be an Instruction to the said Committee that they receive a Clause or Clauses to add several Lots laid off by *John Randolph*, Esq; adjoining to the City of *Williamsburg*, to the said City; and to exempt certain Persons holding marshy Lots in the Town of *Dumfries* from building thereon.

Ordered, That Mr *Dandridge* have Leave to be absent from the Business of this House ten Days.

An *Account* of *William Sewell*, Keeper of the Gaol of the County of *Fairfax*, praying to be paid his Fees for fundry Persons committed to the said Gaol in the Years 1754 and 1755, was presented to the House and received, and referred to the Consideration of the Committee of Claims.

A *Bill* For building a Bridge over *Nottoway* River, from the Land of *Jesse Brown*, by Subscription, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

And then the House adjourned until Monday Morning 11 o'Clock.

Monday. the 22nd of November. 3 Geo. III. 1762.

MR *Landon Carter*, from the Committee for Courts of Justice, presented to the House, according to Order, a Bill For further continuing and amending the Act, entitled, *An Act for the better regulating and collecting certain officers fees, and for other Purposes therein mentioned*; and the same was read the first Time, and ordered to be read a second Time.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For Relief of insolvent Debtors, for the effectual Discovery, and more equal Distribution of their Estates; and it is referred to Mr *Richard Henry Lee* and Mr *Bland* to prepare and bring in the same.

47 A *Petition* of the Inspectors at the several Warehouses in the County of *New Kent*, setting forth that the Business at their respective Warehouses is of late Years very much increased, and praying their Salaries may be enlarged, was presented to the House and read.

Ordered, That the said Petition do lie on the Table.

A *Petition* of the Inspectors of *Guilford* Warehouse, in the County of *Accomack*, and fundry other Inhabitants of that County, setting forth that the present Warehouse is in a ruinous Condition, and has been so often repaired that it will admit of no further Reparation; and praying that a new One may be erected at a Place called *Tinley's Point*, on *Hunting Creek*, and that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That that the said Petition be referred to the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Petition* of *George Parker*, setting forth that *Richard Bennet*, late of *Maryland*, Esq; by his last Will and Testament, bearing Date the 25th Day of *September*, in the Year 1749, among other Bequests, gives unto one *George Parker* of the County of *Accomack*, in this Colony, and his Heirs, all his Lands and Plantations, as well as those on *Bennet's Creek*, in *Nansemond* County, as elsewhere in the said Colony, and also all his Negro and Mulatto Slaves in the said Colony, his Stock of horned Cattle, Sheep, Hogs, Horses and Horse Kind, and all other his personal Estate, that at the Time of his Death should be upon his said Lands, in Trust, for the raising the Sum of £ 30 *Virginia* Current Silver Money annually for ever, and paying the same to the Churchwardens of the Parish

Parish wherein the said Lands lie, now called the lower Parish of *Nansemond*; which said annual Sum is to be paid at the Church Door of the said Parish to the Churchwardens on the 25th of *March* in every Year, and to be applied towards clothing such and so many poor People as the Vestry and the Churchwardens of the said Parish should judge to be most needy, and then to the further Use of the said *George Parker*, and the Heirs of his Body, and for Want of such Issue to the Use of the Testator's right Heirs, for ever, subject nevertheless to the said annual Payment of £ 30: That the Petitioner is Son and Heir at Law of the said *George Parker*, and that since his Father's Decease Colonel *Richard Bland*, a Member of this House, recovered from the Petitioner the said Land on *Bennet's Creek* (which was all the Land left the Petitioner's Father by the said Will) so that the Petitioner, who now lives in the County of *Accomack*, on the Eastern Shore of this Colony, has been obliged for some Time past, and without the Interposition of the Legislature, he apprehends, will still be obliged, to take a long Journey of 130 Miles once every Year to comply with the Directions of the said Will, to pay the said Annuity to the Churchwardens at the Church Door of the said Parish, which seems to be repugnant to the Intention of the Testator, who thought he had, by giving his said Father the Lands on *Bennet's Creek*, enabled him to perform the said Bequest with Convenience; and praying that an Act may pass to enable him to make one Payment of £ 600 to the Churchwardens of the said Parish, in Lieu of the said perpetual Annuity of £ 30, and that the Churchwardens may be obliged to lay out the same in Purchase of Lands, or other sufficient Security for said annual Payment; and that the Petitioner may be empowered to dispose of the Residue of the said Bequest made to his Father, the better to enable him to make the said Payment, was presented to the House and read.

Ordered, That a Bill or Bills be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Parramore* to prepare and bring in the same.

Mr *Attorney*, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill To amend the Act, entitled, *An Act to oblige the Owners of Mills, Hedges, or Stone Stops, on fundry Rivers therein mentioned, to make Openings or Slopes therein for the Passage of Fish, and for other Purposes therein mentioned.* 48

Also a Bill For establishing the Town of *Mecklenburg*, in the County of *Frederick*.

Also a Bill For adding Part of the County of *King* and *Queen* to the County of *Caroline*, and for altering the Court Day of *King* and *Queen*.

Also a Bill For dividing the Parish of *Nottoway*, in the County of *Southampton*.

And the said *Bills* were severally read the first Time, and ordered to be read a second Time.

Ordered, That Mr *Israel Christian* have Leave to be absent the Remainder of this Session.

Mr *Cary*, from the Committee of Claims, reported, according to Order, that the said Committee had had under their further Consideration the Petition of Capt. *Thomas Bullet*, Capt. *John Blagg*, Capt. *William Fleming* and Ensign *James Walker*, Officers of the *Virginia* Regiment, to them recommitted, and had come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where the same was again twice read and agreed to by the House, and is as follows:

Resolved, That the Petition of the said Officers, to be reimbursed the Bounty Money and Subsistence of several Recruits by them enlisted for the said Regiment, who deserted before they arrived at the Place of Rendezvous, is reasonable; and that they ought to be allowed the Sums following, *viz.* The said *Thomas Bullett* the Sum of £41. 16s. 8d. the said *John Blagg* the Sum of £51. 11s. 4d. the said *William Fleming* the Sum of £20. 8s. and the said *James Walker* the Sum of £67, being the Sums severally paid by them for the Bounty and Subsistence of the Recruits enlisted by the said Officers respectively, to be paid out of the Money raised in Pursuance of an Act of Assembly, entitled *An Act for granting an Aid to his Majesty, and for other Purposes therein mentioned.*

An Account of *John Rofs* for 674 lbs. of Pork for the Use of the Garrison of was presented to the House and received.

Ordered, That the said Account be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Ordered

¹ Hening, VII, p. 409.

² Not in Hening.

Ordered, That Mr *Wormeley*, Mr *Walker*, be added to the Committee of Propositions and Grievances, Mr *Wormeley* to the Committee of Privileges and Elections, Mr *Read* and Mr *Walker* to the Committee of Claims, and Mr *Terry* to the Committee of Trade.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For destroying Crows and Squirrels; and it is referred to Mr *Cary*, Mr *Richard Henry Lee* and Mr *Henry Lee*, to prepare and bring in the same.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported, according to Order, that the said Committee had had under their Consideration divers Propositions and Petitions from several Counties to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again read, and are as follow:

49 *Resolved*, That the several Petitions of fundry Inhabitants of the County of *Lunenburg*, praying that the said County may be divided into three distinct Counties, according to the Boundaries of the three Parishes therein, and that the said three Parishes may be severally erected into a distinct County are reasonable.

Resolved, That so much of the Petition of fundry Attornies as prays that their Fees may be enlarged, is reasonable.

Resolved, That so much of the said Petition as prays that their Fees may be made diftrainable, is reasonable.

The *first* Resolution being read a second Time, was agreed to by the House.

The *second* and *last* Resolutions being also read a second Time, and the Question put that the House do agree thereto,

It passed in the Negative.

Resolved, That the said Petitions be rejected.

Ordered, That it be an Instruction to the said Committee to prepare and bring in a Bill, pursuant to the first Resolution.

An engrossed *Bill*, entitled, *An Act for dividing the Parish of Accomack, in the County of Accomack, into two distinct Parishes*, was read a third time, and the Blanks therein filled up.

Resolved, That the Bill do pass.

Ordered, That Mr *Attorney* do carry up the said Bill to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for building a Bridge over Nottoway River, from the Land of Jeffe Brown, by Subscription*, was read a third Time, and the Blanks therein filled up.

Resolved, That the Bill do pass.

Ordered, That Mr *Lemuel Riddick* do carry up the said Bill to the Council for their Concurrence.

The *Order* of the Day being read for the House to resolve itself into a Committee, to take into their further Consideration the Governour's Speech.

Resolved, That this House will again resolve itself into the said Committee tomorrow.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Tuesday, the 23rd of November, 3 Geo. III. 1762.

A *Petition* of fundry Inhabitants of the County of *Buckingham*, setting forth that the Petitioners have heretofore experienced the great Utility of quarterly Courts, formerly established in several Counties of this Colony, and found the Method of carrying on Business in those Courts to have been much more convenient and expeditious, as well as less expensive, than the monthly Courts; and praying that, instead of the said monthly Courts now held, quarterly Courts may be established in the several Counties of this Colony, was presented to the House and read.

Ordered

¹ Henning, VII, p. 614.

² *Ibid.*, VII, p. 623.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To empower the Vestry of *Bruton* Parish to sell three Lots in *Williamsburg*, and to lay out the Money for the Benefit of the Poor of the said Parish; and it is referred to Mr *Attorney* to prepare and bring in the same. 50

A *Petition* of sundry Inhabitants of the County of *Cumberland*, setting forth that the Prosecution of Suits in the County Courts, under the present Regulation, is become burthensome, not only from the Delay of Business, but also from the extraordinary Expence attending such Delay; and praying that some Method may be established by which Suits might be carried to issue, and prepared for Trial in the Clerk's Office, as is practised in the General Court, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Ordered, That Mr *Bernard Moore* be added to the Committees of Propositions and Grievances and Privileges and Elections, and Mr *Dalby* to the Committee for Courts of Justice.

A *Petition* of *George Heale*, setting forth that he is seized and possessed in Fee Taille, under the last Will and Testament of his Uncle *John Heale*, deceased, of 67 Slaves, and of but four others of his own Purchase; that he is also seized in Fee of a Tract of Land, containing about 1130 Acres, in the County of *Fauquier*, which he purchased of one *Thomas Edwards*; that having several Children, besides his eldest Son and Heir apparent of his Body, it will not be in his Power to make any reasonable Provision for his younger Children unless he is enabled to dispose of some of his entailed Slaves; and praying that an Act may pass to dock the Entail of the said Slaves, and to settle the said Tract of Land, which will be of much more Advantage to the Heir in Taille, in Lieu thereof, to the same Uses, was presented to the House and read.

Ordered, That a Bill be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Attorney* to prepare and bring in the same.

Mr *Attorney*, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill For dividing the County of *Lunenburg* into three distinct Counties; and the same was read the first Time, and ordered to be read a second Time.

A *Petition* of sundry Inhabitants of the County of *Dinwiddie*, setting forth that there is an absolute Necessity for another Inspection of Tobacco on the River *Appomattox*; and praying that an Act may pass to establish one at *Fisher's* Landing, on the said River.

Also a *Petition* of sundry Inhabitants of the County of *Prince George*, to the same Effect, were severally presented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Petition* of the Justices of *James City* County, setting forth that the Proprietors of the publick Warehouses at *Hog Neck* having, pursuant to their Orders, built a Wharf there for the Convenience of receiving and shipping Tobacco inspected at the said Warehouse, they levied on the Inhabitants of their said County, and paid the said Proprietors, the Sum of £6 for the same; and praying that, as the Rents of the said Warehouses are not sufficient to repay them, they may be reimbursed by the Publick, was presented to the House and read, and committed to the Consideration of the Committee of Claims.

A *Petition* of the Inspectors of Tobacco at Colonel *Robert Bolling's* Warehouse, in the County of *Dinwiddie*, praying that their Salaries may be increased, equal to their Labour, was presented to the House and read. 51

Ordered, That the said Petition do lie on the Table.

A *Petition* of fundry Inhabitants of the Counties of *Dinwiddie*, *Amelia*, *Brunswick*, *Lunenburg* and *Halifax*, praying that a new Inspection for Tobacco may be established on the Land of *Robert Bolling*, Gentleman, between the two Towns of *Petersburg* and *Blandford*, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration a *Petition* from the County of *Accomack* to them referred, praying that the publick Warehouses at *Guildford* may be discontinued and that new Warehouses may be established at *Finley's Point*, on *Hunting Creek*, in the same County, and had come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

Resolved, That the said *Petition* be rejected.

Ordered, That the Commissioners appointed by Act of Assembly for settling the Accounts relating to the Regiment be directed to allow the Officers who recruited the Regiment for such Men who were recruited by them and paid the enlisting Money, and deserted before they could be carried to the Place of Rendezvous.

Ordered, That Mr *William Johnson* be added to the Committee of Claims.

A *Petition* of fundry Inhabitants of the Parish of *Albemarle*, in the County of *Suffex*, in Opposition to a *Petition* to be presented for dividing the said Parish into two distinct Parishes, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof; and report the same, with their Opinion thereon, to the House.

An engrossed *Bill*, entitled, *An Act to oblige all Captains or Commanders of Vessels, taking in Tobacco on Freight in this Colony, to make Publication of the Freight they shall sail at, before their Loadings shall be obtained*, was read a third Time, and the Blanks therein filled up; and the Question being put that the said *Bill* do pass,

It passed in the Negative.

Resolved, That the said *Bill* be rejected.

A *Bill* For the more effectual keeping the publick Roads and Bridges in Repair was read the second Time, and ordered to be committed to a Committee of the whole House Tomorrow.

Mr *Cary*, from the Committee of Claims, reported that the said Committee had had under their Consideration several Matters to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where the same were again twice read, and agreed to by the House, and are as follow:

Resolved, That the *Petition* of the Justices of *York County*, to be paid the Sum of £14 by them expended in repairing the publick Wharf at the Inspection of Tobacco at *York Town*, in that County, is reasonable; and that they ought to be allowed the said Sum of £14, the Rents of the said Warehouse not being sufficient to reimburse them the same.

Resolved, That *William Purcell* ought to be allowed the Sum of £2. 5s. 8d. as Assignee of *Giles Burdett*, for the Express in his *Petition* mentioned.

Resolved, That the Claim of *William Sewell*, for the Prison Fees of several Soldiers in the Years 1754 and 1755, be rejected.

Resolved, That the *Petition* of *John Posey*, Lieutenant in the *Virginia Regiment*, to be allowed fundry Expenses for enlisting and subsisting several Recruits for the *Virginia Regiment*, and for the Bounty Money paid some of the said Recruits, and for Cash paid, the Reward and Prison Fees paid for one of the said Recruits who deserted, and also for a Doctor for Medicines administered to them when sick, is reasonable.

Resolved

Resolved, That the said *John Pofey* ought to be allowed the Sum of £76. 14s. 10d. the Balance of the Bounty Money and Subsistence of the said Recruits.

Resolved, That the said *John Pofey* ought to be allowed the Sum of £8. 4s. 9d. the Balance of the Doctor's Account.

Resolved, That the said *John Pofey* ought to be allowed the Sum of £22. 3s. 1d. for Ferriage for himself, Parties and Recruits, paid by him, the said Recruits being enlisted in *Maryland* and *Pennsylvania*.

Resolved, That the said *John Pofey* ought to be allowed the Sum of £7. 14s. 4d. Halfpenny, paid by him for Prison Fees, and the Reward for taking up *John Berry*, a deserted Soldier.

Resolved, That the several Sums allowed to the said *John Pofey* ought to be paid out of the Money raised in Pursuance of an Act, entitled *An Act for granting an Aid to his Majesty*.

Ordered, That Mr *Southy Simpson* have Leave to be absent from the Business of this House for 15 Days.

A Bill To oblige the Justices of the County of *Albemarle* to refund to the Counties of *Amherst* and *Buckingham* their just Proportion of the Money paid for Weights and Measures before the Division of the said County of *Albemarle*, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A Bill For further continuing and amending the Act, entitled, *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*, was read a second Time, and committed to a Committee of the whole House on Monday next.

A Bill To amend the Act, entitled *An Act to oblige the Owners of Mills, Hedges, or Stone Stops, on sundry Rivers therein mentioned, to make Openings or Slopes therein for the Passage of Fish, and for other Purposes therein mentioned*, was read a second Time, and committed to the Committee of Propositions and Grievances.

A Bill For adding Part of the County of *King* and *Queen* to the County of *Caroline*, and for altering the Court Day of the said County of *King* and *Queen*, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A Bill For dissolving the Vestry of the Parish of *Hampshire*, in the County of *Hampshire*, and electing a new Vestry in the said Parish, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A Bill For establishing the Town of *Mecklenburg*, in the County of *Frederick*, was read a second Time. 53

Ordered, That the said Bill be engrossed, and read a third Time.

A Bill For dividing the Parish of *Nottoway*, in the County of *Southampton*, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

The Order of the Day being read, for the House to resolve itself into a Committee, to take into their further Consideration the Governour's Speech.

Resolved, That the House will again resolve itself into the said Committee on Friday next.

On a Motion made,

Ordered, That Leave be given to bring in a Bill To amend the Act, entitled, *An Act for encouraging Arts and Manufactures*; and it is referred to Mr *Wythe* and Mr *Attorney* to prepare and bring in the same.

Mr *Cary*, from the Committee appointed, presented to the House, according to Order a Bill For destroying Crows and Squirrels; and the same was read the first Time, and ordered to be read a second Time.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Wednesday

¹ Not in Hening.

² Hening, V, p. 326.

³ *Ibid.*, VII, p. 321.

⁴ *Ibid.*, VII, p. 288.

Wednesday, the 24th of November, 3 Geo. III. 1762.

AN engrossed *Bill*, entitled, *An Act for dividing the Parish of Nottoway, in the County of Southampton*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Gray* do carry up the said *Bill* to the Council for their Concurrence.

Two *Claims* of *William Barham* and *Anthony Robinson*, for taking up Runaways therein mentioned, were presented to the House and read, and referred to the Consideration of the Committee of Claims.

Also a *Claim* of *David Swilling*, praying that he may be allowed for a Horse impressed by Order of Colonel *Spotswood*, deceased, for the Use of the Militia in the Year 1755, and for 16 Days Attendance as a Physician on *William Wilmore*, a Soldier, in a nervous Disorder, by the Directions of the said Colonel *Spotswood*, was presented to the House and read.

Ordered, That the said Committee be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereupon, to the House.

Mr *Attorney*, from the Committee of Propositions and Grievances, presented to the House, according to Order, a *Bill* For enlarging the Town of *Alexandria*, in the County of *Fairfax*.

Also a *Bill* For appointing Directors and Trustees for the Town of *Blandford*, in the County of *Prince George*, and to prevent Hogs running at large therein; and the same were read the first Time, and ordered to be read a second Time.

A *Petition* of *John Palmer*, praying that he may be allowed for a Horse and Bridle impressed by Order of the Commanding Officer of *Fairfax* Militia in 1756, and for which he has received no Satisfaction, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinions thereupon, to the House.

⁵⁴ A *Memorial* of *Andrew Lewis*, setting forth that he entered into the Service of this Colony so early as the Year 1754, when the *Virginia* Regiment was first established, and continued in it until last Spring, when it was reduced, during which Time he flatters himself he has behaved well; that your Memorialist was taken Prisoner in 1758 by the Savages before Fort *Du Quesne*, and delivered over to the *French*, who committed him a close Prisoner in the Gaol of *Quebeck*, where he remained 16 Months; that his long Absence from his domestick Affairs, and the great and necessary Expenses he was obliged to subject himself to during his Captivity, in Order to support his Rank, has greatly impoverished his private Fortune; and humbly praying this House will take his Case into Consideration, was presented to the House and read.

Ordered, That the said *Memorial* be referred to the Consideration of Mr *Washington*, Mr *Wilson*, Mr *Mercer*, Mr *Fitzhugh* and Mr *George Johnston*; that they examine into the Allegations thereof, and report the same, with their Opinion thereupon, to the House.

Ordered, That Mr *Walker* have Leave to be absent from the Business of this House 14 Days.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration divers Propositions to them referred, and had come to several Resolutions thereupon; which he read in his Place, and then delivered in at the Table, where the same were again twice read, and agreed to by the House, and are as follow: .

Resolved, That the several Petitions of fundry Inhabitants of the Counties of *Dinwiddie*, *Amelia*, *Brunswick*, *Lunenburg*, and *Halifax*, praying that Warehouses for the Reception

Reception of Tobacco may be built, and a new Inspection established, on the Land of *Robert Bolling*, Gentleman, on *Appomattox* River, between *Blandford* and *Petersburg*, are reasonable.

Resolved, That the several Petitions of fundry Inhabitants of the Counties of *Suffex*, *Prince George*, *Dinwiddie* and *Southampton*, praying that Warehouses for the Reception of Tobacco may be built, and a new Inspection established, at *Fisher's* Landing, on the said River *Appomattox*, be rejected.

Ordered, That it be an Instruction to the Committee of Propositions and Grievances, who are to bring in a Bill For further continuing and amending the Staple of Tobacco, That they receive a Clause or Clauses pursuant to the first Resolution.

Mr Cary, from the Committee of Claims, reported that the said Committee had had under their Consideration two Petitions to them referred, and had come to two Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, and are as follow:

Resolved, That the Petition of *Robert M'Mahan*, to be allowed for Damages done him by the *Indians*, is reasonable, and that he ought to be paid the Sum of £20. 2s. for the same.

Resolved, That the Petition of the Justices of *James City* County, to be paid for building a Wharf at *Hog Neck* Warehouse, in that County, is reasonable; and that they ought to be allowed the Sum of £6 for the same, the Rents of the said Warehouse being insufficient to reimburse them the Expence thereof.

Ordered, That it be an Instruction to the Committee of Claims to make the said Allowances in the Book of Claims, pursuant to the said Resolutions.

A Petition of *Carter Henry Harrison*, and fundry other Inhabitants of the Counties of *Cumberland* and *Buckingham*, praying that an Act may pass to empower the said *Carter Henry Harrison* to build a Grift Mill over *Willis's* Creek, which runs through his Land, and to erect a Dam across the same, was presented to the House and read. 55

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report their same, with their Opinion thereon, to the House.

A Motion being made, and the Question put that Leave be given to bring in a Bill To relieve fundry Persons whose Lands have been injured by cutting down their Timber to build *Fort Loudoun*,

It passed in the Negative.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill For the more effectual keeping the publick Roads and Bridges in Repair.

Resolved, That this House will again resolve itself into the said Committee on *Friday* next.

An engrossed Bill, entitled, *An Act for dissolving the Vestry of the Parish of Hampshire, in the County of Hampshire, and electing a new Vestry in the said Parish*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That *Mr Attorney* do carry up the said Bill to the Council for their Concurrence.

An engrossed Bill, entitled, *An Act for adding Part of the County of King and Queen to the County of Caroline, and for altering the Court Day of the said County of King and Queen*, was read the third Time and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That *Mr Pendleton* do carry up the said Bill to the Council for their Concurrence.

Mr Cary, from the Committee of Claims, reported that the said Committee had had under their Consideration fundry Accounts for Necessaries furnished the *Indians*, and for Conductors Pay for them, during the Campaign under General *Forbes*, in the Year

1758

¹ Hening VII, p. 616.

² *Ibid.*, VII, p. 620.

1758, to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again read, and are as follow:

Resolved, That it is the Opinion of this Committee that *Thomas Rutherford* ought to be allowed the Sum of £61. 6s. 9d. Halfpeny, for Goods and Provisions furnished the *Indians*.

Resolved, That the Balance of the said *Rutherford's* Account, being £12, for Conductors Pay and Expenses, be rejected.

Resolved, That *Everhart Deering* ought to be allowed the Sum of £30. 15s. 9d. Halfpeny, for Provisions furnished the *Indians*.

Resolved, That *George Laubinger* ought to be allowed the Sum of £19. 9s. 3d. Halfpeny, for Provisions furnished the *Indians*.

Resolved, That the Claim of *John Don*, for a Quarter Cask of Wine furnished the *Indians*, be rejected.

The *first*, *second*, *third* and *fourth* Resolutions, being severally read a second Time, were agreed to by the House.

The *last* Resolution being also read a second Time, and the Question put that the House agree thereto,

It passed in the Negative.

Ordered, That the same be recommitted to the said Committee, to value the Wine in the Resolution mentioned, and to report the same to the House.

⁵⁶ A Bill For destroying Crows and Squirrels was read a second Time, and committed to the Committee of Propositions and Grievances.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Thursday. the 25th of November. 3 Geo. III. 1762.

M^R *Bland*, from the Committee of Privileges and Elections, reported that the said Committee had had under their Consideration the Information referred to them concerning the late Election of *M^r Thomas Bailey* to serve as a Burgess in this present General Assembly for the County of *Surry*, and had agreed on a Report, and come to two Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

It appears to your Committee that *John Peter*, late High Sheriff of the said County of *Surry*, formed the Office of Sheriff to one *Thomas Cocke*, who employed the said *M^r Bayley*, upon standing Wages, to execute the Office of Under Sheriff with him for two Years: That in the Month of *August* last *Thomas Wilson* was appointed and sworn High Sheriff of the said County, at which Time there was one Month remaining unexpired of the Time the said *M^r Bayley* had undertaken to execute the said Office for the said *Thomas Cocke*; and that, by Permission of the said *Thomas Wilson*, he swore in as Under Sheriff, to enable him to complete the said Term of two Years, according to his Agreement with the said *Thomas Cocke*; but that he never executed any Writ, or other Process, from the Time the said *Thomas Wilson* was sworn High Sheriff as aforesaid.

Resolved, That it is the Opinion of this Committee that the said *M^r Thomas Bayley* was not Under Sheriff of the said County of *Surry* at the Time of the said Election.

Resolved, That it is the Opinion of this Committee that the said *M^r Thomas Bayley* is duly elected to serve as a Burgess in this present General Assembly for the said County of *Surry*.

A Bill For appointing Directors and Trustees for the Town of *Blandford*, in the County of *Prince George*, and to prevent Hogs running at Large therein, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

Mr *Attorney* from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration divers Propositions to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Petition of fundry Inhabitants of the Parish of *Albemarle*, in the County of *Suffex*, praying that the said Parish may be divided, according to the Lines in the said Petition described, be rejected.

Resolved, That the Petition of fundry Inhabitants of the said Parish, in Opposition thereto, is reasonable.

Resolved, That the Petition of *John Cocke*, praying that a Ferry may be established from the Town of *Cobham*, in the County of *Surry*, over *James River*, to *Jamestown*, be rejected.

Mr *Cary*, from the Committee of Claims, reported that the said Committee had had under their Consideration several Matters to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to, with an Amendment, as follow:

Resolved, That the Claim of *John Rofs*, for Provisions found at *Pearscall's Fort*, in the Year 1756, be rejected, not being regularly certified.

Resolved, That the Claim of *Gersham Keys*, for Provisions furnished the Militia of *Fairfax* County, be rejected, it appearing that the last Article in his Account has been already allowed. ⁵⁷

Resolved, That the Petition of *John Palmer*, to be allowed for a Horse and Bridle impressed for the Use of the *Fairfax* Militia, be rejected, it appearing that the said *Palmer* was allowed for the same in the last Book of Claims.

On a Motion made,

Ordered, That Leave be given to bring in a Bill For the better and more regular collecting his Majesty's Quitrents, and the publick Taxes; and it is referred to Mr *Bland*, Mr *Richard Henry Lee* and Mr *Landon Carter*, to prepare and bring in the same.

A Petition of *Charles Binns*, Clerk of *Loudoun* County, praying some Alteration as to his Fees, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

An engrossed Bill, entitled, *An Act for establishing the Town of Mecklenburg, in the County of Frederick*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Mercer* do carry up the said Bill to the Council for their Concurrence.

A Bill For enlarging the Town of *Alexandria*, in the County of *Fairfax*, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Friday, the 26th of November, 3 Geo. III. 1762.

THE House, according to Order, resolved itself into a Committee to take into their further Consideration the Governour's Speech; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Speech, and the Letters to them referred, under their further Consideration, and gone through the same, and had come to two Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, with an Amendment, as follow:

Resolved

Resolved, That an Address be presented to his Honour the Governour, to assure him of our inviolable Attachment to his Majesty and his Service, and at the same Time to express our Concern that the present unhappy Circumstances of this Colony will not permit us to manifest our Zeal for the Support of the common Cause, by continuing the Regiment for a longer Time than it now stands provided for: The large Sums that we have been obliged to issue in Treasury Notes, to enable us to comply with his Majesty's Requisitions, have already occasioned several Complaints, particularly from the Merchants of *Great Britian* trading to this Colony; and as we have no other Means of defraying the Expence of the Regiment than by a new Emission of Treasury Notes, which will not only increase those Complaints, but may greatly depreciate the Value of the Notes already issued, to the manifest Injury of the Trade and Credit of this Colony, we flatter ourselves that our Refusal will not be looked upon as a Deviation from, but rather a Continuance of, that Affection and Loyalty which have hitherto influenced all our Actions.

Resolved, That an humble Address be made to his Majesty, to congratulate him on the happy Event of the Birth of an Heir to his Crown and Virtues.

Ordered, That a Committee be appointed to draw up the several Addresses pursuant to the said Resolutions; and it is referred to Mr *Attorney*, Mr *Bland*, Mr *Richard Henry Lee*, Mr *Pendleton* and Mr *Wythe*, to prepare and bring in the same.

A *Petition* of *Richard Baker*, for and in Behalf of his Brother *James Baker*, deceased, late a Lieutenant in the *Virginia* Regiment, setting forth that his said Brother was sent out by Order of the late Governour *Dinwiddie* to the *Nottoway* and *Tuskarora* Nations of *Indians*, to induce them to take up Arms in Defence of this Colony; that his said Brother did accordingly raise and march large Bodies of the said *Indians*, several Times, to the Frontiers of this Colony; that by sundry long and expensive Journeys from Fort *Cumberland* to the said Nations of *Indians*, and his Expenses in procuring the said *Indians* first to march, he expended large Sums of Money, besides going in Debt to sundry Persons in the Sum of £150, or thereabouts; that he was soon after slain on the Banks of the *Ohio*, near Fort *Duquesne*, bravely fighting in Defence of his Country, without leaving sufficient to satisfy the said Demands; and praying that he may be allowed by the Publick a Sum of Money sufficient to discharge his said Brother's Debts, was presented to the House and read, and referred to the Consideration of the Committee of Claims.

On a *Motion* made,

Ordered, That the Treasurer of this Colony lay his Accounts before the House.

The House, according to Order, resolved itself into a Committee on the Bill For the more effectual keeping the publick Roads and Bridges in Repair; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had gone through the said Bill, and made several Amendments thereto; which they had directed him to report to the House; and he read the said Amendments in his Place, and then delivered them in at the Table, where they were again twice read, and agreed to, with some Amendments.

Ordered, That the said Bill, with the Amendments, be engrossed, and read a third Time.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Saturday, the 27th of November, 3 Geo. III. 1762.

THE *Treasurer*, according to Order, laid his Accounts before the House.

Ordered, That the said Accounts do lie on the Table, for the Perusal of the Members of this House.

A *Petition* of *Abraham Lunderman*, setting forth that he hath been a Soldier in the *Virginia* Regiment upwards of five Years, during which Time he hath done his Duty; that by extreme Colds in the Service he has contracted a rheumatick Disorder, which has taken away the Use of his Limbs, in which Condition he is like to remain the

Rest

Rest of his Life; and praying some Relief for his Sufferings, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Richard Henry Lee*, from the Committee appointed, presented to the House, according to Order, a Bill To explain and amend one Act of Assembly, made in the 4th Year of the Reign of Queen Anne, entitled, *An Act for regulating the Elections of Burgeffes, for settling their Privileges, and for ascertaining their Allowances*; also one other Act, made in the 10th Year of George II. entitled, *An Act to declare who shall have a Right to vote in the Election of Burgeffes to serve in the General Assembly for Counties, and for preventing fraudulent Conveyances in Order to multiply Votes at such Elections*; and the same was read the first Time, and ordered to be read a second Time.

Mr *Attorney*, from the Committee of Propositions and Grievances, to whom the Bill To amend an Act, entitled, *An Act to oblige the Owners of Mills, Hedges, or Stone Stops, on sundry Rivers therein mentioned, to make Openings or Slopes therein for the Passage of Fish, and for other Purposes therein mentioned*, was committed, reported that the Committee had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

Mr *Attorney*, from the said Committee, presented to the House, according to Order, a Bill To amend an Act, entitled *An Act for regulating Ordinaries, and Restraint of Tippling Houses*; and the same was read the first Time, and ordered to be read a second Time.

Mr *Attorney*, also reported that the said Committee had had under their Consideration divers Propositions and Petitions from several Counties to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Petition of *Nicholas Davies*, praying that a Ferry may be established from his Land in the County of *Bedford*, near the Mouth of *Tuckaho* Creek, over the *Fluvannah* River, to his Land near the *Mill Stone* Quarry, in the County of *Amherst*, ought to be referred to the Consideration of the next Session of Assembly.

Resolved, That the Petition of sundry Inhabitants of the upper End of the County of *Amherst*, praying that a Ferry may be established from the Land of *Cornelius Thomas*, at or near the Mouth of *Mill* Creek, on the north Side of the *Fluvannah* River, to the opposite Land of *Nicholas Davies*, in the County of *Bedford*, ought to be referred to the Consideration of the next Session of Assembly.

Resolved, That the Petition of sundry Inhabitants of the County of *Albemarle*, praying that a Town may be established on the Land of _____ contiguous to the Courthouse of the said County, is reasonable.

Resolved, That the several Petitions of sundry Inhabitants of the Counties of *Buckingham* and *Cumberland*, praying that quarterly Courts may be established in the several Counties of this Colony, are reasonable.

Resolved, That the Petition of *Carter Henry Harrison*, Gentleman, and sundry Inhabitants of the Counties of *Cumberland* and *Buckingham*, praying that he may be empowered to build a Mill and raise a Dam over *Willis's* Creek, in the said County of *Cumberland*, is reasonable.

Resolved, That the two Petitions of sundry Inhabitants of the Parishes of *Cameron* and *Truro*, in the Counties of *Fairfax* and *Loudoun*, praying that so much of the said Parish of *Cameron* as lies below the Line dividing those two Counties may be added to the Parish of *Truro*, are reasonable.

Ordered

¹ Hening, III, p. 236.

³ *Ibid.*, VII, p. 321.

⁴ *Ibid.*, VI, p. 71.

² *Ibid.*, IV, p. 475.

Ordered, That it be an Instruction to the said Committee to prepare and bring in a Bill or Bills pursuant to the four last Resolutions.

An engrossed *Bill*, entitled, *An Act for enlarging the Town of Alexandria, in the County of Fairfax*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *George Johnston* do carry up the said Bill to the Council for their Concurrence.

An engrossed *Bill*, entitled *An Act to oblige the Justices of the County of Albemarle to refund to the Counties of Amherst and Buckingham their just Proportion of the Money paid for Weights and Measures before the Division of the said County of Albemarle*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *William Cabbel* do carry up the said Bill to the Council for their Concurrence.

And then the House adjourned until Monday Morning 11 o'Clock.

Monday, the 29th of November, 3 Geo. III. 1762.

A *Petition* of *Henry Scarburgh*, setting forth that he is seized in Taille of a Tract of Land lying in *Pungoteague* Creek, in the County of *Accomack*, containing 3050 Acres; that he has no Slaves to cultivate it, and therefore the Possession of it has been rather a Disadvantage to him than otherwise; and that it would be greatly to his Advantage to dispose of 1525 Acres, Part thereof, and lay out the Money arising from the Sale thereof in the Purchase of Slaves, to be settled to the same Uses; and praying that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That a Bill be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Lemuel Riddick* to prepare and bring in the same.

Mr *Washington*, from the Persons to whom the Memorial of Major *Andrew Lewis* was referred, reported that they had had the same under their Consideration, and had agreed on a Report, and come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

It appears to your Committee that the Memorialist entered into the Service of this Colony in the Year 1754; that he continued therein until the Reduction of the *Virginia* Regiment in *January* last; that in the Year 1758 he was taken Prisoner before *Fort Duquesne* by the Savages, who stripped and plundered him of all his Clothes, &c. and that he was afterwards delivered up to the *French*, and carried to *Quebeck*, where he remained in Captivity for the Space of 16 Months: That during his Continuance in the Service of his Country he very justly acquired the Character of a prudent, brave, and good Officer.

Resolved, That the said Major *Andrew Lewis* be allowed the Sum of £350, as well
61 for a Reward for his faithful Services to his Country, as a Recompense for the Hardships he suffered during his Captivity, and the great Expenses he was obliged to subject himself to, in Order to support and maintain the Dignity of his Character as an Officer.

Ordered, That the said Resolve be engrossed, and that Mr *Mercer* do carry it up to the Council for their Concurrence.

Mr *Attorney* from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration a Petition of fundry Inhabitants of the Parish of *Truro*, in the County of *Fairfax*, praying that the said Parish may be divided into two distinct Parishes, according to the Lines therein particularly described; also a Petition of fundry other Inhabitants of the said Parish, in Opposition to the said Division

sion; and had come to two Resolutions thereupon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the said Petition, praying a Division of the said Parish, be rejected.

Resolved, That the said Petition, in Opposition thereto, is reasonable.

Mr *Attorney* also reported that the said Committee had also had under their Consideration a Petition of fundry Inhabitants of the said Parish of *Truro*, complaining of fundry illegal Practices of the present Vestry of the said Parish, and praying that the said Vestry may be dissolved; and had come to the following Resolution thereupon.

Resolved, That the said Petition is reasonable.

Ordered, That it be an Instruction to the said Committee to prepare and bring in a Bill or Bills pursuant to the last Resolution.

Mr *Pendleton*, from the Committee appointed, presented to the House, according to Order, a Bill To establish a more easy and expeditious Method for the Trial of Criminals, and of Causes depending in the General Court; and the same was read the first Time, and ordered to be read a second Time.

A Petition of *William Sweeney*, a Soldier in the 2^d *Virginia* Regiment, setting forth that in the Action before Fort *Duquesne* he received a Wound in one of his Arms, which has ever since rendered him incapable of labouring sufficient to support himself and Family; and praying the Consideration of the House therein, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereupon, to the House.

A Claim of *Thomas Cowles*, for taking up a Runaway therein mentioned, was presented to the House and received, and referred to the Consideration of the Committee of Claims.

Ordered, That Mr *Joseph Cappel* have Leave to be absent from the Business of the House this Remainder of this Session.

Mr *Richard Henry Lee*, from the Committee appointed, presented to the House, according to Order, a Bill For the Relief of insolvent Debtors, for the more effectual Discovery and more equal Distribution of their Estates; and the same was read the first Time, and ordered to be read a second Time.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill For continuing and amending the Act, entitled *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*.

Resolved, That this House will resolve itself into the said Committee on *Friday* next.

Several Accounts from fundry Inhabitants of the County of *Halifax*, for Provisions and other Necessaries furnished to the Militia, and for tributary *Indians*, in their marching through the County, were severally presented to the House and received, and referred to the Consideration of the Committee of Claims.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Tuesday, the 30th of November, 3 Geo. III. 1762.

MR *Cary*, from the Committee of Claims, reported that the said Committee had had under their Consideration several Matters to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered them in at the Table, where they were again twice read, and agreed to, with some Amendments, as follow:

Resolved, That the Petition of *Abraham Lunderman*, late a Soldier in the *Virginia* Regiment, for Relief, he being rendered incapable of getting his Livelihood, and a Cripple, by the Hardships he underwent in the Service of this Colony, is reasonable; and that he ought to be allowed the Sum of £10 for Relief in his present Necessity, and the further Sum of £10 a Year during his Indisposition.

Resolved

¹ Hening, V, p. 326.

Resolved, That the Petition of *David Zwilling*, to be paid for a Horfe impreffed in the Service of this Colony, and for Medicines and Attendance for Soldiers when fick, is reasonable; and that he ought to be allowed the Sum of £ 8 for the faid Horfe, and the further Sum of £8. 7s. for his Medicines and Attendance on the faid Soldiers.

Resolved, That the Claim of *James Patty*, to be allowed for the Loſs of the Labour of a Slave who was committed to the Gaol of *Caroline* County on Suſpicion of Felony, and whilst imprifoned was froſtbitten and rendered incapable of Service, is reasonable; and that he ought to be allowed the Sum of £3. 15s. for the ſame.

Ordered, That it be an Inſtruction to the Committee of Claims to make the ſeveral Allowances in the Book of Claims, purſuant to the ſaid Reſolutions.

A Bill To eſtabliſh a more eaſy and expeditious Method for the Trial of Criminals, and of Cauſes depending in the General Court, was read the ſecond Time; and it was further ordered that the ſaid Bill ſhould be printed, and a Copy thereof ſent by the Printer to each of the Members of this Houſe.

On a Motion made,

Ordered, That Leave be given to bring in a Bill To amend an Act, entitled, *An Act for preventing exceſſive and deceitful Gaming*; and it is referred to Mr *Richard Henry Lee* to prepare and bring in the ſame.

A Claim of *Thomas Scruggs* and *Joſeph Lewis*, Junior, for taking up Runaways therein mentioned.

Alſo fundry Accounts for Proviſions found for the Militia of——— and fundry tributary *Indians*, were ſeverally preſented to the Houſe and received, and referred to the Conſideration of the Committee of Claims.

Mr *Attorney*, from the Committee of Propoſitions and Grievances, preſented to the Houſe, according to Order, a Bill For further continuing the Act for the better regulating and diſciplining the Militia.

63 *Alſo* a Bill For adding Part of the Pariſh of *Cameron* to the Pariſh of *Truro*.

Alſo a Bill For further continuing the Act for reducing the ſeveral Acts for making Proviſion againſt Invaſions and Infurrections into one Act; and the ſame were ſeverally read the firſt Time, and ordered to be read a ſecond Time.

A Petition from the Clerk, Surveyer, Sheriff and Gaoler, of the County of *Cumberland*, praying that the Deduction for Officers Fees in the ſaid County may be reduced, was preſented to the Houſe and read.

Ordered, That the ſaid Petition be referred to the Conſideration of the Committee of Propoſitions and Grievances; that they examine into the Allegations thereof, and report the ſame, with their Opinion thereon, to the Houſe.

A Petition of Capt. *John Smith*, praying to be reimbursed the Sum of £75 for ſo much paid by him to his Lieutenant, *Thomas Langdon*, for his Pay from *September 30th 1755*, to *June 25th 1756*, having never received any Satisfaction for the ſame, was preſented to the Houſe and read, and referred to the Conſideration of the next Seſſion of Affembly.

On a Motion made,

Resolved, That this Houſe will not receive any Claims after *Monday* next.

Mr *Wythe*, from the Committee appointed, preſented to the Houſe, according to Order, a Bill To amend the Act for encouraging Arts and Manufactures; and the ſame was read the firſt Time, and ordered to be read a ſecond Time.

A Petition of *Joſeph Donaldſon*, late Surgeon's Mate in the *Virginia* Regiment, praying to be allowed Half Pay for one Year, was preſented to the Houſe and read.

Ordered, That the ſaid Petition be referred to the Conſideration of the Committee of Claims; that they examine into the Allegations thereof, and report the ſame, with their Opinion thereon, to the Houſe.

A Petition of *Robert Rutherford* and *Mary Wood*, in Behalf of themſelves and others ſetting forth that they and others, who were Proprietors of Lands adjoining the Town of *Wincheſter*, have ſuffered much by having their Timber cut down to build Fort *Loudoun*; that ſome of them have not only had their Timber deſtroyed, but have had their

their Lands so pillaged as not to have Firewood left; and praying the Consideration of the House therein, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Riddick* presented to the House, according to Order, a Bill To dock the Entail of certain Lands whereof *Henry Scarburgh*, is seized in Fee Taille, and for other Purposes therein mentioned; and the same was read the first Time, and ordered to be read a second Time.

The House being informed that *Bertrand Ewell* had levied for him in the last Book of Claims for the Parish and County Levies of his Tithes employed in the *Quantico Iron Works*, in the Years 1759 and 1760, 2008 lbs. of Tobacco, which was unjust, no such Works having been erected.

Ordered, That the Committee of Claims do enquire into the same, and report their Opinion thereon to the House.

A Petition of *Barton Lucas*, Ensign in the *Virginia Regiment*, setting forth that he hath sustained divers Losses in the recruiting Service, by which Means there remains a considerable Balance due from the Petition to the Colony; and as he hath really suffered through his Attachment to the Service, and confesses himself unable to discharge the same, without the Assistance of this Honourable House; and praying the Consideration of the House therein, was presented to the House and read; and the Question being put that the said Petition be referred to a Committee,

It passed in the Negative.

Resolved, That the said Petition be rejected.

A Bill To explain and amend one Act of Assembly, made in the 4th Year of the Reign of Queen Anne, entitled, *An Act for regulating the Elections of Burgeffes, for settling their Privileges and for ascertaining their Allowances* also one other Act, made in the 10th Year of George II entitled, *An Act to declare who shall have a Right to vote in the Election of Burgeffes to serve in the General Assembly for Counties, and for preventing fraudulent Conveyances in Order to multiply Votes at such Elections*, was read a second Time, and ordered to be committed to a Committee of the whole House Tomorrow.

A Message from the Council was delivered by Mr *Walthoe*.

That they have agreed to the Bill entitled, *An Act for dividing the Parish of Accomack, in the County of Accomack*.

Also to the Bill, entitled, *An Act to empower the Vestry of the Parish of St. Patrick, in the County of Prince Edward, to levy for Thomas Wood a reasonable Satisfaction for his Expenses in building a Church there which was burnt down before it was finished*.

Also to the Bill, entitled, *An Act for building a Bridge over Nottoway River from the Land of Jesse Brown by Subscription*.

Also to the Bill, entitled, *An Act for adding Part of the County of King and Queen to the County of Caroline, and for altering the Court Day of the said County of King and Queen*.

Also to a Bill, entitled, *An Act for establishing the Town of Mecklenburg, in the County of Frederick*.

Also to the Bill, entitled, *An Act for dissolving the Vestry of the Parish of Hampshire, in the County of Hampshire, and electing a new Vestry in the said Parish*.

Also to the Bill, entitled, *An Act for enlarging the Town of Alexandria, in the County of Fairfax*.

Also to the Bill, entitled, *An Act to oblige the Justices of Albemarle to refund to the Counties of Amherst and Buckingham their just Proportion of the Money paid for Weights and Measures before the Division of the County of Albemarle*.

Also to the Bill, entitled, *An Act for dividing the Parish of Nottoway, in the County of Southampton*.

also

¹ Hening, III, p. 236.

² *Ibid.*, IV, p. 475.

³ *Ibid.*, VII, p. 614.

⁴ *Ibid.*, VII, p. 611.

⁵ *Ibid.*, VII, p. 623.

⁶ *Ibid.*, VII, p. 620.

⁷ *Ibid.*, VII, p. 600.

⁸ *Ibid.*, VII, p. 616.

⁹ *Ibid.*, VII, 604.

¹⁰ *Ibid.*, VII, p. 625.

¹¹ *Ibid.*, VII, p. 618.

Also to the Bill, entitled, An Act¹ for settling the Bounds between the Parishes of Martin's Brandon and Bristol, in the County of Prince George.

Also to a Resolve, for allowing Colonel William Peachey one Year's Pay, in Consideration of his past Services.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Wednesday, the 1st of December, 3 Geo. III. 1762.

MR *Parramore* presented to the House, according to Order, a Bill To empower *George Parker* to make one Payment of £600 to the Church Wardens of the lower Parish of *Nausmond*, in Lieu of a perpetual Annuity of £30 and for other Purposes therein mentioned; and the same was read the first Time, and ordered to be read a second Time.

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A *Petition* of *Willam Bronaugh*, late a Captain of the *Virginia* Regiment praying that he may be allowed the same Favours and Indulgencies which have been lately granted to the Officers of the late Regiment, and that he may be allowed one Year's Advance Pay, as was allowed them, or to make him such other Allowance as this honourable House shall think fit, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of Mr *Richard Henry Lee*, Mr *George Johnston* and Mr *Mercer*; that they examine into the Allegations thereof, and report the same, with their Opinion thereupon, to the House.

A *Petition* of *James Scott*, Clerk, setting forth that *Alexander Scott*, late of the Parish of *Overwharton*, in the County of *Stafford*, Clerk, deceased, Brother to the Petitioner, was in his Lifetime seized of 448 Acres of Land in the said County of *Stafford*, and of seven other Tracts of Land in the County of *Fairfax*, and that Part of *Prince William* now called *Fauquier*, containing severally 2823, 2000, 1000, 970, 600, 480, and 400, Acres; and being at the same Time possessed of between 20 and 30 Slaves, devised his said Lands and Slaves to the Petitioner, in Taille: That the Petitioner being several Years ago appointed Minister of *Dettingen* Parish, in the County of *Prince William*, hath purchased a Tract of Land there, containing 2000 Acres, upon which he hath built a very good and large Brick House two Stories high, with Cellars under the Whole, and completely finished, all Necessaries and convenient Offices, with a Garden, Orchards, and fine Meadows, which hath rendered the same very valuable; that the said Tract of Land purchased by him as aforesaid, and upon which he now lives, with all the Improvements thereon, may (after his Decease) be settled upon his eldest Son and Heir apparent, *James Scott*, Jun. in Taille, in Lieu of the Tract of 2000 Acres in *Fairfax*, near the Falls of *Potowmack*, which, with the other six small Tracts before mentioned, may be vested in the Petitioner in Fee Simple; and that there may be annexed unto the said Tract of Land in *Prince William* the following 16 Slaves, viz. *David*, *Frank*, *Will*, *Bob*, *Great Sawney*, *Little Sawney*, *Sampson*, *Peg*, *Bee Eye*, *Little Frank*, *Dick*, *Moses*, *Yellow Jenney*, *Joan* and *Hannah*, and their Increase, to go and continue with the said Land forever; and that the following 17 Slaves and their Increase, viz. *Judy*, *Moll*, *Great Jamie*, *Little Jamie*, *Old Tom*, *Elgin*, *Dipple*, *Roger*, *Maria*, *Charlotte*, *Yellow Betty*, *Tony*, *Abraham*, *Little Moses*, *Black Bett*, *Little Jenny* and *Nanny* to go and be annexed to the Tract of Land upon *Carter's Run* in *Fauquier* County, containing 2823 Acres (which is still to remain in Taille as formerly) and praying that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That a Bill be brought in pursuant to the Prayer of the said *Petition*, and it is referred to Mr *Richard Henry Lee* to prepare and bring in the same.

A *Petition* of *Nathaniel Harrison*, an Infant, under the Age of 21 Years, by *Nathaniel Harrison*, Esq; his Guardian, setting forth that he is seized in Fee Taille of about 3000 Acres of Land lying and being in the Parish of _____ in the County of *Surry*, which

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¹ Hening, VII, 613.

is of no real Value to him, but rather an Encumbrance, having no Slaves to cultivate or improve the same; that it will be an Advantage to himself, and all those claiming under the Will of the said *Nathaniel Harrison*, to dispose of Part of the said Tract of Land, and to lay out the Money arising from the Sale thereof in the Purchase of Slaves, to be annexed to the remaining Part thereof; and praying an Act may pass for that Purpose, was presented to the House and read. 66

Ordered, That a Bill be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Attorney* to prepare and bring in the same.

A Petition of *Larkin Chew*, late a Lieutenant in the *Virginia* Regiment, setting forth that after the Decease of his Brother *Coleby Chew*, who had been for some Time in the Service, and who was killed bravely fighting for his King and Country near Fort *Du Quesne*, several Debts due from him, to the Amount of £22, were proved and demanded of the Petitioner, who paid the same, as he could not think of letting the Memory of a brave Brother be degraded with the Reproach of not paying his Debts, though he had little Money to spare himself; that in the Month of *May*, 1759, in an Engagement with the Enemy, he received a Wound in the Elbow Joint of his right Arm, which shattered the Bones thereof in such Manner that it was a long Time before the Cure was effected; that he expended for Nurses, Attendants, &c. about £20; that at the Time of receiving the Wound the Enemy took from him two Horses, his Baggage and Clothes, to the Value of £50, £15 in Cash, and all his Papers, among which were Accounts of Value, and the Receipts for the Money he had paid for his Brother, no Part of which he could ever recover, nor hath he received any Satisfaction for the same; and praying the Consideration of the House therein, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of Mr *Bland* and Mr *Terry*; that they examine into the Allegations thereof, and report the same, with their Opinion thereupon, to the House.

Mr *Bland*, from the Committee of Privileges and Elections, reported that the said Committee had had under their Consideration the Returns of the Writs for electing of Burgesses to serve in this present General Assembly for the Counties of *New Kent* and *Surry*, to them referred, and had come to a Resolution thereupon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

Resolved, That the Returns of the said Writs are not made in the Form prescribed by Law.

On a Motion made,

Ordered, That the Returns of the said Writs be amended by the Clerk at the Table.

Mr *Pendleton* presented to the House, according to Order, a Bill To dock the Entail of certain Lands whereof *Ralph Wormeley*, Esq; is seized, and for settling other Lands of greater Value to the same Uses; and the same was read the first Time, and ordered to be read a second Time.

Mr *Richard Henry Lee* presented to the House, according to Order, a Bill To amend an Act for preventing excessive and deceitful Gaming; and the same was read the first Time, and ordered to be read a second Time.

Mr *Bland*, from the Committee of Privileges and Elections, reported that the said Committee had had under their further Consideration the Petition of Mr *Henry Peyton*, complaining of an undue Election and Return of Mr *John Baylis* and Mr *Henry Leigh* to serve as Burgesses in this present General Assembly for the County of *Prince William*, and had partly heard as well the Petitioner as the sitting Members, and had agreed to a Report, and come to two Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again read, and agreed to by the House, as follow:

It appears to your Committee that *Richard Marlour*, who voted for the said Mr *Lee* at the said Election, voted in right of 100 Acres of Land which he held under a Lease for three Lives, from *Bertrand Ewell*, dated the 30th of *September*, 1757, and that he hath been in Possession thereof from the Date of the Lease, and took the Oath prescribed by Law. 67

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The *Petitioner* then desired the Committee to examine into the Title of the said *Bertrand Ewell*, and offered to prove that he had not the legal Title to the Land he had so leased to the said *Marlour*; and the Question being put thereon.

Resolved, That it is the Opinion of this Committee that they have no Right to examine into the said *Bertrand Ewell's* Title to the said Land.

Resolved, That it is the Opinion of this Committee that the said *Richard Marlour* had a good Right to vote for Burgeffes at the said Election.

The *first* Resolution being read a second Time, was disagreed to by the House.

The *last* Resolution also being twice read, and the Question put that the House agree thereto,

It passed in the Negative.

On a *Motion* made,

Ordered, That the said Resolution be recommitted to the said Committee.

The *Order* of the Day being read for the House to resolve itself into a Committee on the Bill To explain and amend one Act of Assembly, made in the 4th Year of the Reign of Queen Anne entitled, *An Act for regulating the Elections of Burgeffes, for settling their Privileges, and for ascertaining their Allowances*, also one other Act, made in the 10th Year of George II entitled, *An Act to declare who shall have a Right to vote in the Election of Burgeffes to serve in the General Assembly for Counties, and for preventing fraudulent Conveyances in Order to Multiply Votes at such Elections*.

And then the House resolved itself into a Committee on the said Bill; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Bill under their Consideration, but not having Time to go through the same they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into a Committee on the said Bill Tomorrow.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Thursday. the 2nd of December. 3 Geo. III. 1762.

AN Account of fundry Persons in the County of Gloucester, for conveying several draughted Soldiers to *Fredericksburg*, was presented to the House and received, and referred to the Consideration of the Committee of Claims.

A *Petition* of the Mayor, Recorder, Aldermen and Common Council, and other Inhabitants of the City of *Williamsburg*, praying that an Act may pass to remove the Powder, with the Arms and Ammunition, in the Magazine in the said City, to some Place of greater Security, or to sell the same for the Benefit of the Publick, and to revert the Land on which the said Magazine now stands in the Trustees and Directors of the said City, was presented to the House and received.

Ordered, That a Bill or Bills be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Attorney* to prepare and bring in the same.

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A *Petition* of *Allan Macrae*, setting forth that he was possessed in Fee Simple of a certain Piece of Land, 60 Feet wide, and about 450 Feet long, which Piece of Land was by an Act of Assembly, For enlarging the Town of *Dumfries*, vested in the Trustees of the said Town, and by them laid off into a Street; that the Petitioner reaps no benefit from the said Street, nor has he ever received any Satisfaction for the said Land; and prayed the Consideration of the House therein, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Benjamin Harrison*, from the Committee of Trade, presented to the House, according to Order, a Bill To revive an Act, entitled, *An Act for inspecting Pork, Beef, Flower*

¹ Hening, III, p. 236.

² *Ibid.*, IV, p. 475.

³ *Ibid.*, VI, p. 146.

Flower, Tar, Pitch and Turpentine, and also an Act, entitled, *An Act to revive and amend an Act, entitled, An Act for inspecting, Pork, Beef, Flower, Tar, Pitch and Turpentine*.

Also a Bill For establishing Pilots, and regulating their Fees; and the same were severally read the first Time, and ordered to be read a second Time.

Mr Bland, from the Persons to whom the Petition of *Larkin Chew* was committed, reported that they had had the same under their Consideration, and examined into the Allegations thereof, and found them to be true, and had come to a Resolution thereon; which he read in his Place, and then delivered in at the table, where it was again twice read, and agreed to by the House, and is as follows:

Resolved, That the said *Larkin Chew* be allowed the Sum of £100, as a Satisfaction for his Losses, and the Wounds he received in the Service of the Colony; and the Sum of £40 a Year during his Life, for the Loss of the Use of his right Arm.

Resolved, That the said Resolve be engrossed, and that Mr Bland do carry it up to the Council for their Concurrence.

Mr Attorney reported that the Committee appointed had, according to Order, prepared an Address to the Governour; which he read in his Place, and then delivered in at the table, where the same was again twice read, and agreed to by the House, and is as follows:

Sir,

We his Majesty's dutiful Subjects, the Burgeesses of Virginia, having taken your Honour's Speech, at the Opening of this Session, under our most serious Consideration, humbly beg Leave to assure you of our inviolable Attachment to his Majesty's Service, and at the same Time to express our Concern that the present unhappy Circumstances of the Colony will not permit us to manifest our Zeal for the Support of the common Cause by continuing the Regiment for any longer Time than it stood provided for: The large Sums that we have been obliged to issue in Treasury Notes, to enable us to comply with his Majesty's Requisitions, have already occasioned great Complaints, particularly from the Merchants of Great Britain trading to this Colony; and as we have no other Means of defraying the Expenses of the Regiment than by a new Emission of Treasury Notes, which will not only increase those Complaints, but may depreciate the Value of the Notes already issued, to the Injury of the Trade and Credit of the Colony, we flatter ourselves that our Refusal will not be looked upon as any Deviation from that Affection and Loyalty which have hitherto influenced all our Actions.

Ordered, That the said Address be fairly transcribed, and presented by the whole House; and that the Committee who prepared the same wait on the Governour, to know his Pleasure when this House shall attend his Honour to present it. 69

A Memorial of the Officers of the *Virginia* Regiment, setting forth that as the Regiment is now reduced, your Memorialists beg Leave to lay their unhappy and distressed Situation before the Honourable House, who have on all Occasions manifested their great Intention, and noble Resolution, of rewarding all who have been employed in their Service, who could have the least Pretention to their Favour and Notice.

Your Memorialists beg they may assure the House that they now esteem themselves in a much worse Situation than they ever have been before, as the many Expenses attending the recruiting Service, and the Camp Equipage they were obliged to provide at a very great Expense, to fit themselves for an Expedition which they were ordered daily to expect, has not only exhausted all the Pay the small Space they have now been employed entitled them to, but has actually taken a great Part of the Recompense the honourable House was so generously pleased to order them at the former Reduction of the Regiment for their past Services, much of which had been before expended in travelling Charges, as your Memorialists were disbanded so far from their respective Homes, at a Post, whose remote Situation, and inclement Season, made it very difficult to procure the necessary Means to convey them home; and though your Memorialists were thoroughly

satisfied

satisfied these Inconveniences must attend them, yet they could not be guilty of so much Neglect and Disrespect to a grateful and bountiful Colony, as to delay one Moment offering their Services when they thought them absolutely necessary, and to which both Honour and Gratitude so loudly called them.

During the long, tedious, and disagreeable Service, your Memorialists have been engaged in for the Defence of this Country, the many Toils and Dangers they have encountered, in which they have spent the most precious Part of their Lives, and have really so much impaired that inestimable Blessing, their Health, while they were employed to procure their Country Safety, Peace, Ease and Tranquility, that many of them are so far from a Probability of acquiring a decent Subsistence that they are threatened with a near Prospect of approaching Poverty and Want, which must subject them to such Contempt as will damp the Growth of publick Spirit and military Virtues.

Thus your *Memorialists*, having most honestly and impartially represented their unhappy Situation, beg to recommend their Distresses at their approaching Poverty to the Consideration of the honourable House, to grant them such Relief as they in their Wisdom shall judge fit.

Mr *Attorney*, according to Order, presented to the House a Bill To empower the Vestry of *Bruton* Parish to sell certain Lots in the City of *Williamsburg*, for the Purposes therein mentioned; and the same was read the first Time, and ordered to be read a second Time.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill To explain and amend one Act of Assembly, made in the 4th Year of the Reign of Queen *Anne*, entitled, *An Act for regulating the Elections of Burgeesses, for settling their Privileges, and for ascertaining their Allowances*, also one other Act, made in the 10th Year of George II. entitled, *An Act to declare who shall have a Right to vote in the Election of Burgeesses to serve in the General Assembly for Counties, and for preventing fraudulent Conveyances in Order to multiply Votes at such Elections*; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had made several Amendments to the said Bill, but not having Time to go through the same they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into a Committee on the said Bill Tomorrow.

A Claim of *William Summers*, for taking up a Runaway therein mentioned, was presented to the House and received, and referred to the Committee of Claims.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Friday, the 3rd of December, 3 Geo. III. 1762.

A Petition of *George Mercer*, praying to be allowed for his Attendance on the Commissioners appointed by his Excellency Sir *Jeffery Amherst* in *New York* to settle the Colonies Accounts for the *Cherokee* Expedition in the Year 1760, having never received any Satisfaction for his said Services, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Ordered, That the Treasurer's Accounts be referred to Mr *Edmund Pendleton*, Mr *Bland*, Mr *John Page*, Mr *Dudley Digges*, Mr *Benjamin Harrison*, Mr *Cary*, Mr *Richard Henry Lee*, Mr *George Johnston* and Mr *Lewis Burwell*; that they examine the several Articles thereof, and report the Balance, as it shall appear to them, to the House.

Mr *Bland*, from the Committee of Privileges and Elections, reported that the Committee had had under their further Consideration the Petition of Mr *Henry Peyton*, complaining of an undue Election and Return of Mr *John Baylis* and Mr *Henry Leigh* to serve

serve as Burgeffes in this present General Affembly for the County of *Prince William* to them referred, and had agreed upon a Report, and come to a Refolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the Houfe, as follows:

It appears to your *Committee* that *Richard Marlour*, who voted for Mr *Lee* at the faid Election, voted in Right of 100 Acres of Land which he held under a Leafe for three Lives from one *Bertrand Ewell*, dated the 13th of *September*, 1757, and that he had been in Poffeffion thereof ever fince, and had taken the Oath prefcribed by Law; but it appears to your *Committee* that the faid *Bertrand Ewell* had never received any Deed for the faid Land of the Perfon of whom he purchafed it, of which the above mentioned 100 Acres were Part.

Refolved, That it is the Opinion of this *Committee* that the faid *Richard Marlour* had no Right to vote for Burgeffes at the faid Election.

It appears to your *Committee* that *Thomas Davis*, Jun. who voted for the fitting Member Mr *Lee* at the faid Election, held 185 Acres of Land in the faid County, leafed to him and one *Zachariah Bradfield*, by one *Benjamin Grayfon*, by Indenture of Leafe, dated the 30th Day of *January*, 1758, to hold to him the faid *Davis* for his own Life, and the Lives of his Wife and eldeft Son *Thomas*, and to the faid *Bradfield* and his Wife for the Life of the longeft Liver of them: That in the Month of *October*, before the faid Election, he had agreed to give up his faid Leafe to one *Nehemiah Dowell*, provided he would pay for the Improvements he had made on the faid Land; and then alfo he put the faid *Dowell* into Poffeffion, but did not furrender the faid Leafe until fome Time after the Election, when the faid *Dowell* had complied with the Terms of their Agreement.

Refolved, That it is the Opinion of this *Committee* that the faid *Thomas Davis*, Jun. had a good Right to vote for Burgeffes at the faid Election.

It likewife appears to your *Committee* that *William Spiller*, who voted for Mr *Lee* at the faid Election, held upwards of 100 Acres of Land, under the Will of his Father *Waddington Spiller*, dated the 30th of *April*, 1755, and had been in Poffeffion thereof above twelve Months before the faid Election.

Refolved, That it is the Opinion of this *Committee* that the faid *William Spiller* had a good Right to vote for Burgeffes at the faid Election.

It further appeared to your *Committee* that *William Rookard* and *Francis Kenner*, who voted for Mr *Lee* at the faid Election, had feverally, for fome Years before the faid Election, been in Poffeffion of 100 Acres of Land each in the faid County, belonging to *George Mafon*, Gent. who had, upon their feating and building thereon, agreed to give them Leafes for three Lives for the fame, and given each of them refpectively his Bonds for that Purpofe, but never executed any fuch Leafe.

Refolved, That it is the Opinion of this *Committee* that the faid *William Rookard* and *Francis Kenner* had no Right to vote for Burgeffes at the faid Election.

It alfo appeared to your *Committee* that *George Thayer*, who voted for Mr *Lee* at the faid Election, had been, for about three Years before, in Poffeffion of the Lands in Right of which he voted, under a Leafe for three Lives from the above named *Bertrand Ewell*, being Part of a larger Tract, which the faid *Ewell* had purchafed of one *Thomas Young*; but had never received any Deeds for the fame.

Refolved, That it is the Opinion of this *Committee* that the faid *George Thayer* had no Right to vote for Burgeffes at the faid Election.

It likewife appeared to the *Committee* that *Robert Forgey*, who alfo voted for Mr *Lee* at the faid Election, held 100 Acres of Land, under a Leafe for two Lives, from the faid *Bertrand Ewell*, dated the 1st Day of *January*, 1760, being Part of a larger Tract, which the faid *Ewell* had purchafed of one *Ifaac Davis*; but that the faid *Davis* had never executed any Deed for the fame.

Refolved, That it is the Opinion of this *Committee* that the faid *Robert Forgey* had no Right to vote for Burgeffes at the faid Election.

It alfo appeared to your *Committee* that *William Tompkins*, who voted for Mr *Lee* at the faid Election, had been in Poffeffion of a Lot in the Town of *Dumfries*, in the faid County

County, with a Dwellinghouse thereon, above twelve Months before the said Election; which Lot was conveyed to him by the Trustees of the said Town, by their Deed, duly executed and recorded, bearing date the 3rd Day of *June*, 1760, and that he took the Oath prescribed by Law.

⁷² *Resolved*, That it is the Opinion of this Committee that the said *William Tomkins* had a good Right to vote at the said Election.

It also appeared to your *Committee* that *George Brent*, Gent. voted at the said Election for Mr *Lee*, whose Vote the Petitioner objected to, as being a Roman Catholick; but it not appearing to your Committee that the said *George Brent* is a Recufant convict.

Resolved, That it is the Opinion of this Committee that the said *George Brent* had a good Right to vote for Burgeffes at the said Election.

It also appeared to your *Committee* that *Andrew Martin*, who voted at the said Election for Mr *Lee*, had been, for several Years before, in Possession of the Lands in Right of which he voted, which he declared he held under a Lease for four Lives from one *John Tarpley*; and it was likewise proved, by the Testimony of Mr *Thomas Harrison*, that the said *Tarpley* had acknowledged he had made a Lease to the said *Martin*, and that the said *Andrew Martin* also took the Oath prescribed by Law; but no such Lease appearing before the Committee.

Resolved, That it is the Opinion of this Committee that the said *Andrew Martin* had no Right to vote at the said Election.

It further appeared to your *Committee* that *Thomas Chapman*, who voted for Mr *Lee* at the said Election, had lived with his Uncle Mr *William Carr*, in the said Town of *Dumfries*, for about three Years before, and was in Possession of four Lots, with several Houses thereon, which had been purchased for him by the said Mr *Carr*, and were conveyed to the said *Chapman* by the Trustees of the said Town, by this Deed, duly executed and recorded, bearing Date the 3^d Day of *January*, 1760, and that the said *Chapman* took the Oath prescribed by Law at the said Election.

Resolved, That it is the Opinion of this Committee that the said *Thomas Chapman* was duly qualified to vote for Burgeffes at the said Election.

It further appears to your *Committee* that *Leonard Helm* voted for Mr *Lee* at the said Election, who Mr *Lee* acknowledges had no Right to vote; and therefore

Resolved, That it is the Opinion of this Committee that the Name and Vote of the said *Leonard Helm* ought to be struck out of the Poll taken for Mr *Lee* at the said Election.

Your *Committee* then proceeded to the Consideration of such Votes on the Petitioner's Poll as were objected to by the fitting Member Mr *Lee*, and thereupon they beg Leave to inform the House that it appears to them that *Richard Tristoe*, who voted for the Petitioner, held 175 Acres of Land in the said County, in Right of which he voted at the said Election, which were conveyed to him by *Richard Tristoe* the elder, by Deeds of Lease and Release, duly executed and recorded, bearing Dates respectively the 16th and 17th Days of *November*, 1756, and that he had been in Possession of the said Land ever since the Dates of the said Deeds.

Resolved, That it is the Opinion of this Committee that the said *Richard Tristoe* had a good Right to vote for Burgeffes at the said Election.

It also appears to your *Committee* that *John Simmons*, who voted for the Petitioner at the said Election, voted in Right of 100 Acres of Land which had been leased to one *William Muse* by one *Thomas Arrington*, for three Lives, by Lease, bearing Date the 27th Day of *May*, 1754, which, after divers mesne Assignments, was assigned to one *Robert Hoystead*, with whose Widow the said *John Simmons* intermarried the 26th of *October*, 1760: It also appeared that the Petitioner, into whose Hands the said Lease had fallen, by Assignment from one *John Tyler*, did assign the same over to the said *John Simmons* on the 27th Day of *April*, 1761; and that the Widow of the said *Hoystead* lived on the said Land, from the Death of her said former Husband, until her Inter-marriage with the said *Simmons*.

Resolved, That it is the Opinion of this Committee that the said *John Simmons* had no Right to vote for Burgeffes at the said Election.

It

It likewise appeared to your *Committee* that *Cornelius Kincheloe*, who voted for the 73
 Petitioner at the said Election, held 341 Acres of Land, which was devised to him by
 the Will of his Father *John Kincheloe*, dated the 16th of *March*, 1746, on Condition that
 he should succeed in his Suit in the General Court with Colonel *William Fitzhugh*; and
 if not, that he should then have one Half of the Land he lived on: That the said Suit
 in the General Court was determined in the said *Kincheloe's* Favour. It further appears
 that the said *Kincheloe* had, before the Election, agreed to sell the said Land to one *Davis*,
 and had put him into Possession thereof, but had not executed any Conveyance for the
 same.

Resolved, That it is the Opinion of this Committee that the said *Cornelius Kinchbloe*
 had a good Right to vote for Burgeffes at the said Election.

It further appeared to your *Committee* that *John Metcalfe*, who voted for the Peti-
 tioner, held 150 Acres of Land, which had been leased by *William Spiller* to his Father
John Metcalfe, his Heirs, Executors Administrators and Assigns, by Lease, bearing Date
 the 27th Day of *November*, 1738, to hold to him, his Heirs, &c. for the natural Lives of the
 said *John* the Father, his Wife *Diana*, and the said *John* the Son: That the said *John*
Metcalfe the elder died some Time in the Year 1751 intestate, and that the said *John*
Metcalfe the Son hath ever since resided on the said Land, together with his Mother, who
 always paid Quitrents for the same.

Resolved, That it is the Opinion of this Committee that the said *John Metcalfe* had
 a good Right to vote for Burgeffes at the said Election.

It likewise appeared to the *Committee* that *Bridgar Haynie*, who also voted for the
 Petitioner, was in possession of upwards of 100 Acres of Land, with two Plantations
 thereon which he claims under a supposed Will of his Father, which it appears was never
 finished, nor legally executed, though admitted to Record in the County Court of *Culpeper*
 It also appears that one *Joseph Ferguson*, and *Elizabeth* his Wife, by Deeds of Lease
 and Release, dated respectively the 24th and 25th Days of *March*, 1744, conveyed to
Spencer Haynie, eldest Son of *Anthony Haynie* the Father, and the said *Bridgar Haynie*,
 129 Acres of Land, which they have ever since held as joint Tenants, no Division having
 been made between them, and that there are no Houses on the said last mentioned
 Lands: It doth also appear that both the said *Spencer* and *Bridgar Haynie* voted at the
 said Election.

Resolved, That it is the Opinion of this Committee that the said *Bridgar Haynie*
 had a good Right to vote at the said Election.

It appears to your *Committee* that *William Watkins*, who also voted for the Peti-
 tioner at the said Election, had been in Possession of 75 Acres of Land in the said County
 from the Year 1754, which was one Moiety of 150 Acres that had been leased by *Charles*
Carter, Esq; in the Year 1743, for three Lives, to one *Henry Watkins*, who devised the
 said Moiety to his Son in Law *Fortunatus Legg*, who sold the same to the said *William*
Watkins, but did not execute any Deed for the same after the said Election.

Resolved, That it is the Opinion of this Committee that the said *William Watkins*
 had no Right to vote at the said Election.

It further appears to your *Committee* that *James Leach*, *William Suitor*, *Rawleigh*
Dodson and *Edward Hughes*, who all voted for the Petitioner at the said Election, voted
 in Right of Lands which they severally held in the said County belonging to *Charles*
Carter, Esq; under Leases for Lives, made and executed to each of them respectively by
 and in the Name of M^r *Charles Carter*, Jun. Son and Heir apparent of the said *Charles*
Carter the elder, by his Direction.

Resolved, That it is the Opinion of this Committee that the said *James Leach*, *William* 74
Suitor, *Rawleigh Dodson* and *Edward Hughes*, had no Right to vote for Burgeffes at the
 said Election.

It likewise appeared to your *Committee* that *George Harper*, who voted for the
 Petitioner at the said Election, was in Possession of 660 Acres of Land in the said County;
 but that he held the same only as Tenant, at Will of *William Fitzhugh*, Esq; to whom
 he paid Rent for the same.

Resolved

Resolved, That it is the Opinion of this Committee that the said *George Harper* had no Right to vote at the said Election.

It further appeared to your *Committee* that *Nathaniel Overall*, who voted for the Petitioner at the said Election, was then, and from the Year 1749 had been, in Possession of 100 Acres of Land in the said County, which he had purchased of one *William Overall*, by Deeds of Lease and Release, dated respectively the 7th and 8th of *July*, 1749, to whom the same was devised by the Will of his Father *John Overall*, dated the 16th of *September*, 1742, in these Words, to wit: "*Item*, I give and bequeath unto my Son *William Overall* all that Part of Land in both Tracts that is on the west Side of *Lucky Run*, except one Acre of Land that is convenient for building a Mill any Where on the Side of the Run; I give this Land only for his Life, not to lease nor sell it, but to work on it as he pleases himself, or any belonging to him, not wasting the Timber, and after his Death to return to my Son *John Overall* as aforesaid."

Resolved, That it is the Opinion of this Committee that the said *Nathaniel Overall* had a good Right to vote for Burgeffes at the said Election.

It also appeared to your *Committee* that *Burr Calvert*, who voted for the Petitioner, held only 93 Acres of Land in the said County, without any House, or other Improvement, thereon.

Resolved, That it is the Opinion of this Committee that the said *Burr Calvert* had no Right to vote for Burgeffes at the said Election.

It likewise appeared to your *Committee* that *Charles Harding* and *Barnaby Cannon* also voted for the Petitioner at the said Election, who he acknowledged had no Right to vote, and therefore

Resolved, That it is the Opinion of this Committee that the Names and Votes of the said *Charles Harding* and *Barnaby Cannon* ought to be erased out of the Poll taken for the Petitioner at the said Election.

Your *Committee* then proceeded to the Consideration of that Part of the Petition of the said *Henry Peyton*, complaining of Malepractices and Misconduct of *Howson Hooe*, then Sheriff of the said County of *Prince William*, on the Day of the said Election, and particularly of his closing the Poll on the first Day of the Election, contrary to his Agreement with the Petitioner and Mr *Baylis*; and having heard the Evidence on both Sides your Committee beg Leave to inform the House that it appears to them that on the Day before the Election Mr *Baylis* went with the Petitioner to the House of the said Sheriff, when the Petitioner proposed that the Poll should be kept open until the Day after that appointed for the Election, in Order to give the Freeholders who lived above a large Run that was then considerably swelled by heavy Rains an Opportunity of attending the said Election, which the said Sheriff said he would willingly agree to, if he lawfully might; but Mr *Baylis* answered, that although he should have no Objections to it, yet as Mr *Lee*, the other Candidate, was not present, he could not agree to it; and that the Petitioner thereupon, without any further Agreement, sent Messengers to those Freeholders to inform them that the Poll was to be kept open two Days; That on the Morning of the said Election, the Petition having brought many of his Friends over the said Run in a Vessel he had provided for that Purpose, offered to buy the same of the Owner; and being asked for what Use he wanted it, he answered that if he could get it he would split it to Pieces, to prevent the other Freeholders getting over.

It further appears to your *Committee* that on the Day of the said Election, most of the Freeholders present having given their Votes, the first Proclamation was made about Five o'Clock in the Afternoon, and some Time after, as no Voters appeared, a second; from which Time until Sunset, which was about two Hours, not more than two Freeholders appeared and voted, when, at the repeated Importunities of the fitting Members, the said Sheriff ordered a third Proclamation to be made; and no Freeholders appearing to vote, the fitting Members then desired the Sheriff to close the Poll, which he refused to do, but about Nine o'Clock declared his Intention of keeping the Poll open until Twelve, when *Thomas Machin*, one of the Poll Takers told the Sheriff he would not stay until that Time; but the Sheriff inclining towards him desired him, in a low Voice, not

to be uneasy, for he would close the Poll as soon as the Petitioner's Expresses that he had sent into the Country from the Courthouse in *Dumfries* for Voters returned; which Mr *Lee* overhearing, complained to the Sheriff that he had not behaved impartially towards him, for that if he had known Expresses had been sent for Voters, he had some Friends near the Town who would have ventured out to serve him, and that at the Time Mr *Lee* had eleven Votes on the Poll more than the Petitioner: That the said Sheriff kept the Poll open until Midnight, though he had frequently sent out his Under Sheriff during that Time to inquire for Voters, and but one Person appeared for several Hours, who was brought in by one of the Petitioner's Expresses, and voted for him, notwithstanding both the sitting Members frequently expostulated with him on the Injustice and Partiality of his Proceedings, when the Petitioner answered he would indemnify him for his Conduct: It likewise appears that the said Sheriff declared his Reason for keeping the Poll open so late was in Expectation that the Freeholders would get over the said Run, and attend the Election; and that the People at the Door frequently gave out (though without any Truth) that they were coming, and that he did not use any indirect Means to influence the Voters at the said Election.

It further appears that on the Morning after the said Election there were about 15 Freeholders, Friends to Mr *Lee*, waiting to get over the said Run, in Consequence of the Intimation they had received from the Petitioner's Messenger that the Poll was to be kept open two Days.

Resolved, That it is the Opinion of this Committee that the said Petitioner hath not made good the Allegations of his Petition against the said Sheriff.

Upon an Examination of a Copy of the Poll taken at the said Election, it appeared to your Committee that the sitting member Mr *Lee* had three Votes more than the Petitioner, seven of which, to wit, *Richard Marlour, William Rookard, Francis Kenner, George Thayer, Andrew Martin, Leonard Helm* and *Robert Forgey*, it is the Opinion of your Committee, had no Right to vote at the said Election; and your Committee are also of Opinion that ten of the Persons who voted for the Petitioner at the said Election, to wit, *John Seymons, Charles Harding, Barnaby Cannon, William Watkins, James Leach, William Suitor, Rawleigh Dodson, Edward Hughes, George Harper* and *Burr Calvert*, had no Right so to do; and that the sitting Member Mr *Lee* had a Majority of six legal Votes on the said Poll, *and therefore*

Resolved, That the said Mr *John Baylis* and Mr *Henry Lee* are duly elected to serve as Burgeffes in this present General Assembly for the County of *Prince William*.

On a Motion made,

Ordered, That Mr *Lee* have Leave to withdraw his Complaint exhibited against the Sheriff and Under Sheriff of the County of *Prince William*, for several Malepractices committed at the Election of Burgeffes for the said County.

Ordered, That the said *Henry Peyton* do pay unto the sitting Members their Costs occasioned by the said Petition.

A Memorial of *William Byrd*, Esq; setting forth that in the Year 1760 a Plan was formed for attacking the *Cherokee* Indians by the Governments of *South Carolina* and this Colony, and your Memorialist was called down to command it, after having proceeded to *Juniata*, under the Command of General *Monckton*; that he travelled 400 Miles to the Place of Rendezvous, with his Servants only, to take the Command of the Regiment appointed to that Service; on his Return to *New York* he consulted General *Monckton* whether he thought it reasonable to apply to General *Amherst* for an Allowance to *Virginia* for the Expence of that Campaign, and obtained a Promise from him to do every Thing in his Power to oblige him: That in the Spring following he came to *Virginia*, by Order of General *Amherst*, to command the second Expedition against the *Cherokees*; and he mentioned what passed between General *Monckton* and himself to the Governour, Council, the Speaker, and many Gentlemen of the Assembly: After the Campaign was over, he found Nothing had been done in the Affair, and then he waited on General *Amherst* at *New York*, and spoke to him about the Expence of the Year 1760; who, with some Hesitation, gave him Leave to lay the Accounts before him: That he

immediately

immediately applied to his Honour the Governour for the Vouchers and Certificates, which Doctor *Walker* could not prepare until the Middle of *April*: That as soon as the Papers came he went with Doctor *Walker* to *New York*, and obtained the General's Orders to the Commissioners to examine them; those Gentlemen, finding several of the Papers deficient, told him they could not recommend them for Payment to the General: That he took some Pains to explain the Matter to the Commissioners, and they being convinced that the greatest Part of them were just, they certified to the General that he would be safe in paying £10,000 Sterling, reserving the Balance until he could produce all the Papers requisite; which he engaged his Honour to do, or return him the Money: That Doctor *Walker* was afterwards sent with the proper Vouchers, which gave Satisfaction; and the Balance was thereupon received: That your Memorialist staid a considerable Time in *Philadelphia*, was twice at *New York*, and was at a considerable Expence and Trouble in adjusting this Affair; wherefore he hopes this House will take his Service into Consideration, and make him such Allowance as they think it deserves.

Ordered, That the said Memorial be referred to the Consideration of the Committee of Propositions and Grievances.

Mr *Bland* reported that he had, according to Order, waited on the Governour with the Address of this House, for discontinuing the Guard over the Magazine in this City: To which his Honour was pleased to Answer, that he would immediately comply with the Desire of the House; but as there is a large Quantity of Powder in the Magazine, he thinks it prudent to continue the Guard until the Sentiments of the House are known how the Powder shall be disposed of.

Mr *Richard Henry Lee*, from the Persons to whom the Petition of Mr *William Bronaugh* was referred, reported that they had examined into the Allegations thereof, and found them to be true, and had come to a Resolution thereupon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, and is as follows:

Resolved, That the said *William Bronaugh* be allowed one full Year's pay, as Captain of the *Virginia* Regiment in the Year 1757, as a Recompense for his Services, the Losses he sustained, and Hardships he suffered, the Campaign at the Reduction of Fort *Duquesne*, when he served as a Volunteer, at his own Expence.

Ordered, That the said Resolve be fairly transcribed, and that Mr *Richard Henry Lee* do carry it to the Council for their Concurrence.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill For further continuing and amending the Act, entitled *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*.

Resolved, That the House will resolve itself into a Committee on the said Bill on Tuesday next.

Mr *Cary*, from the Committee of Claims, reported that the said Committee had had under their Consideration an Information against *Bertrand Ewell* to them referred, and had agreed upon a Report, and come to a Resolution thereupon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

It appeared to your Committee that the said *Bertrand Ewell* put in a Claim, on Oath, to the Assembly, at laying the last publick Levy, for 2008 Weight of Tobacco for his Tithables employed in the *Quantico* Iron Works, agreeable to Lifts by him given in to the Magistrates who took the Lift of Tithables for the County of *Prince William* for the Years 1759 and 1760, which Tobacco was levied for him in the last Book of Claims; it also appears to your Committee that the said *Bertrand Ewell* never has erected, or begun to erect, any Iron Works at the place aforesaid.

Resolved, That the said 2008 Weight of Tobacco be levied on the said *Bertrand Ewell*, to repay the Publick.

Resolved, That the said *Bertrand Ewell* hath been guilty of a high Crime and Misdemeanor.

Ordered

Ordered, That the said *Bertrand Ewell* be taken into Custody of the Sergeant at Arms.

A *Petition* of *Richard Sandford* and *Robert Sandford*, Inspectors at *Hunting Creek* Warehouse, in the County of *Fairfax*, setting forth that they have for many years executed that Office for a Salary very inadequate to their Trouble and Expence, being allowed only £30 for receiving and inspecting 1000 Hogsheds of Tobacco *per Annum*; and praying that some Allowance may be made them for their past Services, and a Salary proportioned to their Trouble for the Future, was presented to the House and read.

Ordered, That the said *Petition* do lie on the Table.

A *Petition* of *James Cocke*, setting forth that since his Appointment to the Clerkship of the publick Treasury the Business of that Office is so greatly increased as to require his constant Attendance, and praying his Salary may be augmented, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Committee appointed to settle the Treasurer's Accounts; that they examine into the Allegations of the said *Petition*, and report the same, with their Opinion thereon, to the House.

A *Bill* For dividing the County of *Lunenburg* in three distinct Counties was read the second Time.

Ordered, That the said *Bill* be engrossed, and read a third Time.

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The *Order* of the Day being read for the House to resolve itself into a Committee on the *Bill* To explain and amend one Act of Assembly, made in the 4th Year of the Reign of *Queen Anne*, entitled, *An Act for regulating the Elections of Burgeffes, for settling their Privileges, and for ascertaining their Allowances*, also one other Act, made in the 10th Year of *George II.* entitled, *An Act to declare who shall have a Right to vote in the Election of Burgeffes to serve in the General Assembly for Counties, and for preventing fraudulent Conveyances in Order to multiply Votes at such Elections.*

Resolved, That the House will again resolve itself into the said Committee Tomorrow.

A *Petition* of *Richard Pearis*, praying he may be allowed his Account due from the Colony ever since the Year———when he was ordered out with Major *Andrew Lewis* to the *Cherokee* Nation, he having never received any Satisfaction for the same, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Saturday, the 4th of December, 3 Geo. III. 1762.

MR Attorney reported that the Committee appointed had, according to Order, waited on the Governour to know his Pleasure when the House should attend him with their Address; and that he was pleased to appoint this Day, and to say he would send a Message to the House when he was ready to receive it.

A *Petition* of *James Thurston*, praying to be allowed the Difference between the Money of this Colony and that of *Pennsylvania* for so much short paid him by Colonel *Byrd*, for his Services as Armorer in the Campaign of 1761; and praying the Consideration of this House, was presented to the House and read; and the Question being put that the said *Petition* be referred to a Committee.

It passed in the Negative.

Resolved, That the said *Petition* be rejected.

A *Petition* of the Justices of the County of *Gloucester*, praying to be allowed by the Publick 2500 lbs. of Tobacco, by them expended in repairing the publick Wharf at the Inspection at *Gloucester* Town, the Rents of the said Warehouse being insufficient to reimburse them, was presented to the House and read.

Ordered

¹ Hening, III, p. 236.

² *Ibid.*, IV, p. 475

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Petition* of the Inspectors at *Wicomico* Warehouse, setting forth that their Salary was settled at £35, since which there has been another Inspection established on the opposite Side of the River, which the Petitioners likewise attend; that the Tobacco received at the said Inspections is increased one third, since their Salary was first settled; and praying the Consideration of the House therein, was presented to the House and read.

79 *Ordered*, That the said Petition do lie on the Table.

A *Petition* of *James Galt*, Keeper of the publick Gaol, praying a Continuance of his former Salary.

Resolved, That the additional Sum of £15 be paid to the said *James Galt*, over and above his usual Salary of £25 a Year.

Resolved, That 10 lbs. of Tobacco a Day be allowed to the said *James Galt*, for every Criminal committed to the said Gaol, during such Criminal's Imprisonment, from this Time to the End of the next Session of Assembly.

A *Petition* of *Thomas Drake*, praying to be allowed for his three Servants who enlisted in the late *Virginia* Regiment, having never received any further Satisfaction for them than £5, was presented to the House and read; and the Question being put that the said Petition be referred to a Committee,

It passed in the Negative.

Resolved, That the said Petition be rejected.

A Message from the Governour was delivered by Mr *Walthoe*.

Mr *Speaker*,

I am commanded by the Governour to acquaint this House that his Honour is now ready to receive their Addrefs in the Council Chamber.

Mr *Speaker*, with the House, went up; and being returned, reported that he had, with the House, attended the Governour in the Council Chamber, and presented the Addrefs of this House to him, to which he was pleased to answer.

Mr *Speaker*, and Gentlemen of the House of Burgeffes,

It would have given me the greatest Pleasure if the Situation of the Affairs of this Colony would have encouraged you to have kept the Regiment on Foot until we had a Certainty of a firm Peace being concluded between his Majesty and his Enemies. I hope the Reasons you have assigned for discontinuing it, will take away any Imputation of an Abatement of your Zeal in his Service; and that they may answer this End as much as possible, I will transmit them to the Right Honourable the Board of Trade by the first Conveyance, that they may be laid before his Majesty.

The Order of the Day being read, the House again resolved itself into a Committee on the said Bill To explain and amend one Act of Assembly, made in the 4th Year of the Reign of Queen Anne, entitled, *An Act for regulating the Election of Burgeffes, for settling their Privileges, and for ascertaining their Allowances*, also one other Act, made in the 10th Year of George II. entitled, *An Act to declare who shall have a Right to vote in the Election of Burgeffes to serve in the General Assembly for Counties, and for preventing fraudulent Conveyances in Order to multiply Votes at such Election*; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Bill under their further Consideration, and gone through the same, and had made several Amendments thereto.

Ordered, That the said Report be considered on Monday next.

A *Petition* of *Bertrand Ewell*, setting forth that he is attending in the Custody of the Sergeant at Arms, in Obedience to the Order of this House, for having been guilty of a high

¹ Hening, III, p. 236.

² *Ibid.*, IV, p. 475

high Crime and Misdemeanor, in presenting an unjust Demand to this honourable House, claiming an Allowance to be made him for some Slaves employed by him in Iron Works, the Owners of which are by Law exempt from paying Taxes for them, and begs Leave to represent that the said Charge is entirely groundless, he having made a considerable Progress towards erecting a Furnace for carrying on an Iron Work on some of his Lands in the County of *Prince William*, having raised a Dam, and cut Races for that Purpose, in which Work every Slave mentioned in his Claim had been employed, the Truth of which he is ready to verify; and praying he may be discharged out of Custody, and that proper Time may be allowed him to prove his Assertions, was presented to the House and read.

Ordered, That the said Petition be referred to the Committee of Privileges and Elections; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A Claim of *Peter Warren*, for taking up a Runaway therein mentioned, was presented to the House, and referred to the Consideration of the Committee of Claims.

And then the House adjourned until Monday Morning 11 o'Clock.

Monday. the 6th of December, 3 Geo. III. 1762.

SUNDRY Claims of *Joseph Dupree*, *John Towns*, *Robert Estes*, and *Thomas Moore*, and sundry Militia Accounts from the County of *Lunenburg*, for taking up Runaways therein mentioned, were severally presented to the House and received, and referred to the Consideration of the Committee of Claims.

A Claim of *William M'Mahon*, for taking up a Defenter therein mentioned, was presented to the House and received.

Ordered, That the said Claim be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A Petition of *William Banks*, setting forth that in the Year 1760 he had a Commission from his Honour the Governour to enlist Soldiers for the *Virginia* Regiment, and did enlist several, which he marched to the Place appointed for their Rendezvous among whom was one, *William Edlington*, an able bodied Man, who was refused on Account of his Size; that he paid him £10, the Bounty Money, and sustained the Expence of marching him to the Place of Rendezvous, for which he has received no Satisfaction; and praying the Consideration of the House therein, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A Petition of sundry Persons in the Counties of *Frederick*, *Augusta* and *Hampshire*, setting forth that their Waggon and Teams were impressed into his Majesty's Service the Campaign under General *Stanwix*; that through the Length of their Journey, and Difficulties attending the March in bad Roads, but more particularly their Want of Forage, their Teams suffered greatly, several of their Horses dying, and others so much worn out that they could not travel, and were obliged to be left on the Road, together with the Waggon, Gear, &c. that they have only been paid for Waggonage; and praying they may be satisfied for their Losses by the Publick, was presented to the House and read: and the Question being put that the said Petition be referred to a Committee,

It passed in the Negative.

Resolved, That the said Petition be rejected.

A Petition of *John Field* and *John Posey*, formerly Captains in the 2^d *Virginia* Regiment, in Behalf of the non-commissioned Officers and private Men of their Companies, praying to be allowed their extra Pay as Artificers in clearing the Roads to Fort *Du Quesne*, &c. was presented to the House and read.

Ordered

⁸¹ *Ordered*, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr Attorney reported, according to Order, the Amendments to the Bill To explain and amend one Act of Assembly made in the 4th Year of the Reign of Queen Anne, entitled, *An Act for regulating the Election of Burgeffes, for settling their Privileges, and for ascertaining their Allowances*, also one other Act, made in the 10th Year of George II. entitled, *An Act to declare who shall have a Right to vote in the Election of Burgeffes to serve in the General Assembly for Counties, and for preventing fraudulent Conveyances in Order to multiply Votes at such Elections*; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, with some Amendments.

Ordered, That the Bill, with the Amendments, as amended, be engrossed, and read a third time.

A *Petition* of the Inspectors at Quantico Warehouse, praying their Salaries may be augmented, was presented to the House and read.

Ordered, That the said Petition do lie on the Table.

A *Petition* of fundry Inhabitants of the County of Amelia, praying that the Time for beginning to inspect Tobacco may be fixed to the first of October in every Year, and that an Act may pass for that Purpose.

Also a *Petition* of fundry Inhabitants of the County of Goochland, to the same Effect, were severally presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Petition* of the Inspectors at Roy's Warehouse, in the County of Caroline, praying to be allowed the Sum of £18. 18s. for Tobacco stolen out of the said Warehouse, the Property of John Baylor, Esq; Richard Buckner and Lunfford Lomax, Gentlemen, and which they have been obliged to pay the said Proprietors, was presented to the House and read.

Ordered, That the said Petition do lie on the Table.

A *Claim* of William Marston, Sheriff of James City County, for 270 lbs. of Tobacco, was presented to the House and received, and referred to the Consideration of the Committee of Claims.

Several *Claims* of Edmund Allen, Thomas Parker and James Howell, for taking up Runaways therein mentioned, were severally presented to the House and received, and referred to the Consideration of the Committee of Claims.

Mr Cary, from the Committee of Claims, reported that the said Committee had had under their Consideration several Matters to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again read, and are as follow:

Resolved, That the Petition of William Sweeney, a wounded Soldier, is reasonable; and that he ought to be allowed the Sum of £5 a Year, as a Consideration for the wound he received in the Service of this Colony.

Resolved, That the Petition of Joseph Donaldson, late Surgeon's Mate in the Virginia Regiment, to be allowed half Pay for one Year, be rejected.

⁸² On considering the *Claim* of Richard Doggett, it appeared to your Committee that Nelson, a Slave belonging to the said Doggett, was on the 5th Day of October, 1761, tried at a Court of Oyer and Terminer in Bedford County, and condemned for Felony; that a few Days after the Prison of the said County was broke open, and the said Slave escaped, and hath never been heard of since.

Resolved, That the said Richard Doggett ought to be paid the Sum of £80 for the said Slave by the Publick.

On

On confidering the *Claim* of the Adminiftrators of *Christopher Gift*, deceased, it appeared to your Committee that the faid *Christopher Gift*, deceased, did, on the Settlement of an Account againft this Colony, on the 14th of *June*, 1758, give the Colony Credit for £600 received by him of Sir *John St. Clair*, Bart. for the fouthern *Indians* Service, which Sum was afterwards difallowed the faid *Gift* by *Samuel M'Caul*, Jun. *Alexander Stedman* and *John Ingles*, Commiffioners for the Crown, and deducted by them out of the faid *Christopher Gift's* Account againft the Crown.

Resolved, That the Adminiftrators of the faid *Christopher Gift*, deceased, ought to be allowed the faid Sum of £600 by the Publick.

On confidering the *Claim* of the Reverend *Archibald Dick*, it appeared to your Committee that *Bob*, a Negro Man Slave belonging to the faid *Dick*, was, at a Court of *Oyer* and *Terminer* held in *Caroline* County the 25th Day of *October* laft paft, condemned for Felony, but broke Gaol before the Day appointed for his Execution, and hath not been heard of fince: It appeared to your Committee that Application was made to the faid *Dick* to apply for a Pardon for his Slave, but he refufed; and gave as a Reason that the faid *Bob* was fo notorious an Offender that he ought to be made an Example of.

Resolved, That the faid *Archibald Dick* ought to be allowed the Sum of £100 for his faid Slave by the Publick.

The four firft Refolutions being twice read, were agreed to by the Houfe.

The laft Refolution being alfo twice read, was difagreed to.

Ordered, That the faid Refolution be recommitted to the faid Committee.

A *Petition* of *William Fraſier*, fetting forth that he hath lately, at a great Expence, raifed a Caufey through the Marſh oppofite to the publick Ferry eftabliſhed from his Plantation over *Mattapony* River, to the Land of *George Braxton*, Eſq; deceased, by the Permiſſion of *Carter Braxton*, Eſq; Guardian to his the faid *George's* Children; that the faid Caufey will be of great Utility to the Publick, if the Landing Place over the faid River was eftabliſhed there, as it ſhortens the Paſſage near Half a Mile; and praying that he may be enabled to keep up the faid Caufey, and that the fame may be eftabliſhed the publick Landing over the faid River, was preſented to the Houfe and read.

Ordered, That the faid *Petition* be referred to the Confideration of the Committee of Propoſitions and Grievances; that they examine into the Allegations of the faid *Petition*, and report the fame, with their Opinion thereon, to the Houfe.

Mr *Attorney*, from the Committee of Propoſitions and Grievances, preſented to the Houfe, according to Order, a Bill To repeal an Act, made in the 22^d Year of his late Majeſty's Reign, entitled, *An Act concerning Strays*, and to eftabliſh a more effectual Method to prevent Frauds committed by Perſons taking up Strays; and the fame was read the firſt Time, and ordered to be read a ſecond Time.

Alſo a Bill For diſſolving the Veſtry of the Pariſh of *Truro*, in the County of *Fairfax*, and electing a new Veſtry in the faid Pariſh; and the fame was read the firſt Time, and the Queſtion being put that the faid Bill be read a ſecond Time,

It paſſed in the Negative.

Resolved, That the faid Bill be rejected.

And then the Houſe adjourned until Tomorrow Morning 11 o'Clock.

Tuesday, the 7th of December. 3 Geo. III. 1762.

A *Petition* of fundry Inhabitants of the County of *Albemarle*, in Behalf of themſelves and others, praying that an Act may be paſſed to enable ſuch of them as ſhall be willing to undertake it, to erect a Bridge over the north Branch of *James* River, at their own Expence, at the moſt convenient Place near the Courthouſe of the faid County; and that they may be alſo authoriſed to demand and receive a certain Toll from all Perſons who ſhall paſs over the faid Bridge, as ſhall be thought fit.

Alſo

Also a Petition of Peter Jones, setting forth that he hath laid off, at a great Expence, 28 Acres of his Land adjoining the Town of *Petersburg* into Lots, and praying that an Act may pass to annex the said 28 Acres of Land so laid off as aforesaid to the said Town of *Petersburg*, and that the Freeholders and Inhabitants of the same may enjoy the same Privileges as the Freeholders and Inhabitants of other Towns erected by Act of Assembly enjoy, were severally presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration the Memorial of the Officers of the *Virginia* Regiment to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, with an Amendment, as follow:

Resolved, That the Allegations of the said Memorial are true.

Resolved, That the Sum of £100 ought to be paid by the Publick to the Colonel and other Field Officers of the said Regiment, the Sum of £75 to every Captain, and the Sum of £50 to each subaltern Officer of the said Regiment, as a Satisfaction for the Expenses they were lately put to in providing themselves with Camp Equipage, and other incident Charges, when the said Regiment was raised.

Resolved, That the Colonel, and every other Officer of the said Regiment, ought moreover to be allowed one half Year's Pay, according to their respective Commissions, as a Recompense for their faithful Services to their Country.

Resolved, That the Officers of the said Regiment, in Consideration of their long and faithful Services to this Country, ought to be recommended to his Majesty by this House for his Favour and Protection.

Mr *Attorney* also reported that the said Committee had had under their Consideration divers Petitions from fundry Inhabitants of the Parishes of *St. David*, in the County of *King William*, and of the lower End of *St. Margaret's*, in the County of *Caroline*, praying that Part of the said Parish of *St. Margaret* may be added to the said Parish of *St. David's* according to the Lines therein particularly expressed: Also a Petition of fundry other Inhabitants of the said Parish of *St. Margaret's*, in Opposition to the said Petitions for a Division; and had come to the following Resolutions thereon:

Resolved, That the said Petition, praying a Division of the said Parish of *St. Margaret*, be rejected.

Resolved, That the said Petition, in Opposition thereto, is reasonable.

Ordered, That the second and third Resolutions be engrossed, and that Mr *Attorney* do carry them up to the Council for their Concurrence.

Ordered, nemine contradicente, That it be an Instruction to the said Committee to prepare an Address to his Majesty, pursuant to the last Resolution.

Mr *Bland*, from the Committee of Privileges and Elections, reported that the said Committee had had under their Consideration the Petition of *Bertrand Ewell* to them referred, and had come to the following Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

Resolved, That the said *Bertrand Ewell* be allowed Time, until the next Session of Assembly, to prove the Allegations of his said Petition; that in the Meantime he be discharged out of Custody, paying Fees; and that the said Petition be referred to the Consideration of the next Session of Assembly.

Mr *Attorney*, from the Committee appointed, presented to the House, according to Order, a Bill For disposing of the publick Stores of Gunpowder in the Magazine in the City of *Williamsburg*, and for other Purposes therein mentioned; and the same was read the first Time, and ordered to be read a second Time.

An engrossed *Bill*, entitled, *An Act for appointing Directors and Trustees for the Town of Blandford, in the County of Prince George, and to prevent Hogs running at Large therein*, was read a third Time, and the Blanks therein filled up.

Resolved, That the *Bill* do pass.

Ordered, That Mr *Bland* do carry up the said *Bill* to the Council for their Concurrence.

The *Order* of the Day being read for the House to resolve itself into a Committee on the *Bill* For further continuing and amending the *Act*, entitled *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*.

Resolved, That the House will resolve itself into a Committee on the said *Bill* Tomorrow.

An engrossed *Bill*, entitled, *An Act for the more effectual keeping the publick Roads and Bridges in Repair*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Bland* do carry up the said *Bill* to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for dividing the County of Lunenburg into three distinct Counties*, was read the third Time, and the Blanks therein filled up; and the Question being put that the said *Bill* do pass.

It passed in the Negative.

A *Message* from the Governour was delivered by Mr *Walthoe*.

Mr *Speaker*,

The Governour has commanded me to lay before your House a Letter which he has just received from Colonel Stephens.

And the said *Letter* was read, and ordered to lie on the Table.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Wednesday, the 8th of December, 3 Geo. III. 1762.

85

AN engrossed *Bill*, entitled, *An Act for directing and better regulating the Election of Burgeffes, for settling their Privileges, and for ascertaining their Allowances*, was read the Third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Richard Henry Lee* do carry up the said *Bill* to the Council for their Concurrence.

Two certified *Accounts* of Captain *Blagg*, for Waggonage and Recruiting therein mentioned, were presented to the House and received.

Ordered, That the said *Accounts* be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

On a *Motion* made,

Ordered, That Leave be given to bring in a *Bill* To empower Tenants in Taille to make Leafes for three Lives, or 21 Years; and it is referred to Mr *Richard Henry Lee*, Mr *Edmund Pendleton* and Mr *George Johnson*, to prepare and bring in the same.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration divers Propositions and Petitions to them referred, and had come to the following Resolutions thereupon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Memorial of the Honourable *William Byrd*, Esq; praying that he may be allowed some Satisfaction for the Trouble he was at, and the Expenses he incurred

¹ Hening, VII, p. 608.

² *Ibid.*, V, p. 326.

³ *Ibid.*, VII, p. 577.

⁴ Did not become a law.

⁵ Hening, VII, p. 517.

incurred, in attending his Excellency Sir *Jeffery Amherst* at *New York*, and obtaining his Warrant for examining and settling the Expenses of this Colony for the Campaign of the Year 1760, is reasonable; and that he ought to be allowed the Sum of £500 for his said Services.

Resolved, That the Petition of Mr *George Mercer*, praying that he may be allowed some satisfaction for the Trouble he was at, and the Expenses he incurred, in attending the Commissioners appointed by his Excellency Sir *Jeffery Amherst* at *New York*, for settling the Accounts of the Expenses of this Colony for the Campaign of the Year 1760, is reasonable; and that he ought to be allowed the Sum of £500, for his said Services.

Resolved, That the Petition of *Allan Macrae*, praying that *Bertrand Ewell* may be obliged to make him a Satisfaction for a Piece of his Land, which was laid off into a Street, in the Town of *Dumfries*, in the County of *Prince William*, by the Trustees of the said Town, by which the said *Bertrand Ewell*, as Proprietor of several Lots fronting the said Street, is principally benefited, be rejected.

Resolved, That the Petition of *Robert Rutherford* and *Mary Wood*, in Behalf of themselves and others, praying that they may be paid by the Publick for Timber taken off their respective Lands, and made Use of in building Fort *Loudoun*, in *Winchester*, is reasonable.

⁸⁶ *Resolved*, That the Petition of fundry Inhabitants of the Parish of *St. Anne*, in the County of *Albemarle*, complaining that the Vestry of the said Parish was illegally elected, and praying that the said Vestry may be dissolved, ought to be rejected, no Person appearing to prove the Allegations of the said Petition.

Ordered, That the two first Resolutions be engrossed, and that Mr *Attorney* do carry them up to the Council for their Concurrence, and that the Committee of Propositions and Grievances do prepare and bring in a Bill or Bills pursuant to the 4th Resolution.

A Message from the Council by Mr *Walthoe*.

That they have agreed to the Bill, entitled, An Act¹ for the more effectual keeping the publick Roads and Bridges in Repair, with an Amendment, to which they desire the Concurrence of this House.

Also to the Bill, entitled, An Act² for appointing Directors and Trustees for the Town of Blandford, in the County of Prince George, and to prevent Hogs running at Large therein, without any Amendment.

On a Motion made,

Ordered, That Mr *John Clack* have Leave to withdraw his Petition presented at a former Session of this General Assembly against Mr *Isaac Rowe Walton*, complaining of an undue Election and Return of the said Mr *Isaac Rowe Walton* to serve as a Burgess in this present General Assembly for the County of *Brunswick*.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill For further continuing and amending the Act, entitled, *An Act³ for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned.*

Resolved, That the House will resolve itself into a Committee on the said Bill Tomorrow.

Mr *Attorney*, from the Committee of Propositions and Grievances, to whom the Bill For destroying Crows and Squirrels was committed, reported that the said Committee had had the said Bill under their Consideration, and had made an Amendment hereto; which he read in his Place, and then delivered in at the Table.

And on a Motion made,

Ordered, That the said Bill be committed to a Committee of the Whole House immediately.

And then the House resolved itself into the said Committee; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee

¹ Hening, VII, p. 577.

² *Ibid.*, VII, p. 608.

³ *Ibid.*, V, p. 326.

mittee had had the said Bill under their Consideration, and gone through the same, and had made an Amendment thereto, which they had directed him to report to the House; and he read the same in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House.

Ordered, That the said Bill, with the Amendments, as amended, be engrossed, and read a third Time.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Thursday, the 9th of December. 3 Geo. III. 1762.

M^R *Legrand*, from the Committee appointed, presented to the House, according to Order, a Bill For altering the Court Day of the County of *Prince Edward*; and the same was read the first Time, and ordered to be read a second Time.

⁸⁷
Mr Mercer, from the Persons to whom the Petition of *Nathaniel Stedman* was referred, reported that they had had the same under their Consideration, and agreed on a Report, and come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

It appears to your *Committee*, from the Information of fundry Officers of the *Virginia* Regiment, that the said *Nathaniel Stedman* was a Soldier in the said Regiment, and was taken Prisoner by the Savages, as is set forth in his said Petition, and that he remained in Captivity for the Space of two Years and three Months, when he made his Escape, and was returning to join his Regiment, but was taken sick at the Crossings of *Yauyangaine*, and did not arrive before the Regiment was disbanded, and that he has enlisted again in the Regiment, under the late Act of Assembly.

Resolved, That the said *Nathaniel Stedman* be allowed the Sum of £35, in full for his Pay, and a Compensation for the Hardships he suffered during his Captivity.

Resolved, That his Arrears of Pay due before his being made a Prisoner ought to be settled and paid him by the Paymaster of the *Virginia* Regiment.

A Bill For Relief of insolvent Debtors, for the effectual Discovery and more equal Distribution of their Estates, was read the second Time, and ordered to be committed to a Committee of the whole House Tomorrow.

Mr Attorney, from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration the Petition of *Mr Richard Pearis* to them referred, and had examined into his Accounts referred to by the said Petition, which he laid before the Committee, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the said *Richard Pearis* ought to be paid by the Publick the Sum of £174. 12s. 3d. being for Provisions and other Necessaries furnished by him to the *Cherokee* Indians, and for his Pay as a Captain of a Company of Rangers from *April* 1756 to the 1st of *December* following, including also Pay by him advanced to the Company under his Command.

Resolved, That the Sum of £ 127. 2s. 10d. charged in his said Accounts, as for the Balance of his Company's Pay, be rejected.

Resolved, That the Article of £65. 10s. charged in his said Account for his own Pay from the 1st of *December* 1756 to the 10th of *May* 1757, as a Conductor to the *Cherokee* Indians, is chargeable on his Majesty's Revenues, and not on the publick Treasury of this Colony.

Resolved, That the Article of £81. 18s. charged in the said Account for Horses and Packsaddles delivered to Colonel *David Stewart* for the Expedition against the *Shawaneffe*, ought to be referred to the Consideration of the next Session of Assembly.

Ordered

Ordered, That the first Resolution be engrossed, and that Mr *Attorney* do carry it up to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for destroying Crows and Squirrels*, was read the third Time, and the Blanks therein filled up.

On a *Motion* made,

An engrossed *Claufe* was added to the *Bill*, as a Rider; and then the Question being put that the said *Bill* do pass, the House divided.

Yeas go forth

Yeas, 37.

Noes, 33.

Resolved in the Affirmative.

Ordered, That Mr *Cary* do carry up the said *Bill* to the Council for their Concurrence.

Mr *Attorney*, from the Committee of Propositions and Grievances, presented to the House, according to Order, a *Bill* For establishing quarterly Courts in the several Counties of this Colony.

Also a *Bill* For regulating the Gold Coin of the *German Empire*.

Also a *Bill* To empower *Carter Henry Harrison*, Gentleman, to build a Mill on *Willf's Creek*, in the County of *Cumberland*; and the said *Bills* were read the first Time and ordered to be read a second Time.

Mr *Attorney*, from the Committee appointed, presented to the House, according to Order, a *Bill* Declaring Slaves to be personal Estates, and for other Purposes therein mentioned; and the same was read the first Time, and ordered to be read the second Time.

Mr *Cary*, from the Committee of Claims, reported that the said Committee had had under their further Consideration the Claim of the Reverend *Archibald Dick* to them recommitted, and had agreed upon a Report, and come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again Twice read, and agreed to by the House, as follows:

It appeared to your Committee that since the said Claim was presented to this House and referred to your Committee, the said Mr *Dick* hath obtained a Pardon for the Slave in his said Claim mentioned.

Resolved, That the said Claim be rejected.

Mr *Cary* also reported that the said Committee had had under their Consideration the several matters to them referred, and had come to several Resolutions thereon; which he also read in his Place, and then delivered in at the Table, where they were again read, and are as follow:

Resolved, That the Petition of the Justices of *Gloucester County*, to be repaid 2500 lbs. of Tobacco for repairing the Wharf at the Warehouse at *Gloucester Town*, in that County, is reasonable; and that they ought to be allowed the said Tobacco by the Publick, the Rents of the said Warehouse not being sufficient to reimburse them the same.

Resolved, That the Petition of *William Banks*, to be repaid the Bounty Money of a Soldier enlisted by him for the *Cherokee Expedition*, and refused by the Commanding Officer at the Place of Rendezvous, on Account of his Size, is reasonable; and that he ought to be allowed the Sum of £10, the Bounty Money paid by him to the said Recruit, and the further Sum of £30, his Expenses in recruiting, it appearing to this Committee that he was an able bodied Man.

On considering the Petition of Capt. *John Field* and Capt. *John Posey*, in Behalf of their Companies of Artificers, it appeared to your Committee that the two Companies commanded by the Petitioner were employed as Artificers in the Campaign in the Year 1758, and by the Honourable *William Byrd*, Esq; their Colonel (by Order of the General) promised 6d. a Day extraordinary Pay for that Service, in which they behaved remarkably well; it also appeared to your Committee that Colonel *Byrd* paid each of the said Men 20s. by Order of the General, who directed the Captains to apply to this Colony for the Rest of their Pay.

Resolved

Resolved, That the non-commissioned Officers and private Men of the said Companies ought to be paid for the Time they were on that Duty by the Publick, at the Rate of 6d. a Day, deducting the Sum of 20s. received by each Man of the said Companies as afore said, according to the said Captains Pay Roll, amounting as follows, *to wit*: The said Captain *Field's* Company, the Sum of £375. 6s. and the said Captain *Posey's* Company, the Sum of £302. 16s.

On considering the *Account* of Doctor *Hugh Mercer* against the Publick, it appeared to your Committee that the said *Mercer* supplied the Regiment with Medicines, delivered out in Doses, to the Amount of £176. 5s. 6d. Halfpeny, the Articles of which are lower than are commonly charged by Apothecaries; that the Account began the 24th of *April*, 1762, and that he continued supplying them in the same Manner until the 5th of *October* following, at which Time your Committee find another Article charged for a Medicine Chest, amounting to £125. 15s. 2d. It also appeared to your Committee that the Regiment was very sickly, and many of the Soldiers had the Smallpox. Your Committee find that the highest Charge for a Medicine Chest for any former Campaign was £84. 16s. 8d.

Resolved, That the said *Hugh Mercer* ought to be paid the Sum of £117. 10s. 4d. in full for his Account for Medicines delivered in Dozes to the Regiment, by the Publick.

Resolved, That the Residue of the said Account, being £58. 15s. 2d. Halfpeny, be rejected.

Resolved, That the Article in the said Account of £125. 15s. 2d. for the Medicine Chest furnished the Regiment, be rejected.

The *five* first Resolutions being read a second Time, were agreed to by the House.

The *last* Resolution being also read, the House disagreed to it.

On a *Motion* made,

Ordered, That the said Resolution be recommitted to the said Committee.

A *Message* from the Governour was delivered by Mr *Walthoe*.

That they have agreed to the Resolve to allow Larkin Chew £100, and £40 a Year during his life.

Also to the Resolve for allowing William Bronaugh one Year's Pay as Captain in the Virginia Regiment in the Year 1757 and for his Sufferings during the Campaign at the Reduction of Fort Duquesne, when he served as a Volunteer at his own Expence.

The *Order* of the Day being read for the House to resolve itself into a Committee on the Bill For further continuing and amending the Act, entitled, *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned.*

Resolved, That the House will resolve itself into a Committee on the said Bill Tomorrow.

The House proceeded to take into Consideration the Amendments proposed by the Council to the Bill, entitled, *An Act for the more effectual keeping the publick Roads and Bridges in Repair*; and the same being read, the first was agreed to by the House, and the last disagreed to.

Ordered, That Mr *Bland* do go up with a *Message* to the Council and acquaint them therewith, and desire they will pass the Bill with the Amendment as agreed to by the House.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Friday.

^a Hening, V, p. 326.

^b *Ibid.*, VII, p. 577.

Friday, the 10th of December. 3 Geo. III. 1762.

M^R *Pendleton*, from the Committee appointed to examine the Treasurer's Accounts reported that the said Committee had had the same under their Consideration and examined all the several Articles and Vouchers thereof, and had agreed upon a Report, and come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

It appears that the said *Accounts* are truly stated, and that there remains a Balance in the Hands of the Treasurer of £5666. 15s. 8d. on the publick Account.

That there remains in the *Treasurer's* Hands a Balance of £25,574. 13s. 1d. for the Duty on Tobacco, for the Land and Poll tax, and for the additional Duty on Slaves.

That burned *Tobacco* Notes not yet taken in amount to £876.

That there remains in the *Treasurer's* Hands £80. 3s. 1d. of the Money reserved for the Redemption of the old Notes bearing Interest, so many of the said Notes remaining still out.

That there still remains in the *Treasurer's* Hands £2500, the Balance due to the Commissioners for the *Indian* Trade.

That there remains in the *Treasurer's* Hands £10,341. 10s. 1d. for Bills of Exchange drawn on the Agents, pursuant to Acts of Assembly.

That there also remains in the *Treasurer's* Hands a Balance of £2200. 6s. 6d. for the Treasury Notes emitted in *April* 1762.

Resolved, That the said Accounts do pass.

Ordered, That Mr *Edmund Pendleton* do carry up the Treasurer's Accounts to the Council for their Concurrence.

Mr *Bland*, from the Committee appointed, presented to the House, according to Order, a Bill For the better and more regular collecting his Majesty's Quitrents, and the publick Taxes; and the same was read the first Time, and ordered to be read a second Time.

Mr *Benjamin Harrison*, from the Committee of Trade, presented to the House, according to Order, a Bill To amend the several Acts of Assembly of this Colony for licensing Pedlars, and preventing Frauds in the Duties on Skins and Furs; and the same was read the first Time, and ordered to be read a second Time.

A *Petition* of the Minister, Churchwardens and Vestry, of the Parish of *St. Andrew*, in the County of *Brunswick*, setting forth that the Glebe of the said Parish is very inconveniently situated, the Land poor, and the Buildings thereon in a ruinous Condition; and praying that an Act may pass to empower them to sell the said Glebe, and to apply the Money arising from the Sale thereof towards purchasing a more convenient Glebe for the said Parish.

Ordered, That a Bill be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Bland* and the Members of the County to prepare and bring in the same.

91 On a *Motion* made,

Ordered, That it be an Instruction to the said Committee to receive a Clause or Clauses to enable the Vestry of the Parish of *Frederick*, in the County of *Frederick*, to sell their present Glebe, and to purchase a more convenient One in Lieu thereof.

A *Petition* of *Betty Todd*, in Opposition to a Petition presented to the House for building a Town at *Todd's* Warehouse, in the County of *King* and *Queen*, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances: that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Bill* To revive and amend an Act, entitled, *An Act for inspecting Pork, Beef, Flower, Tar, Pitch and Turpentine*, was read the second Time, and committed to the Committee of Trade.

Mr *Cary*, from the Committee of Claims, reported that the said Committee had had under their further Consideration a Resolution of this Committee on a Claim of Doctor *Hugh Mercer*, to them recommitted; and had agreed upon a Report, and come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where the same was again read, and agreed to, with an Amendment, as follows:

It appeared to your Committee that the Amount of Medicines delivered in Doses by the said *Mercer* to the Hospitals of the Regiment, from the 5th of *September* last to the 5th of *October* following, amounted to £78. 15s. 9d.

Resolved, That the said *Hugh Mercer* ought to be paid the Sum of £125. 15s. 2d. the Amount of the Medicine Chest delivered by him for the Use of the Regiment.

A *Bill* To dock the Entail of certain Lands whereof *Ralph Wormeley*, Esq; is seized and for settling other Lands of greater Value to the same Uses, was read the second Time, and committed to Mr *Edmund Pendleton*, Mr *Smith*, and the Members of *Gloucester*, *King William* and *Hanover*.

Mr *Edmund Pendleton*, from the Persons to whom the Petition of *James Cocke*, Clerk of the Treasury, was referred, reported that they had examined into the Allegations thereof, and agreed upon a Report, and come to a Resolution thereupon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

It appears, on Examination of the Treasurer's Accounts, that the Business of that Office is greatly increased, so as to require the constant Attendance of the Petitioner; and that he has discharged his Duty in the said Office with great Care, Punctuality and Fidelity.

Resolved, That the said Petition is reasonable, and that the Petitioner ought to be allowed the additional Salary of £50 a Year.

A *Bill* To dock the Entail of certain Lands whereof *Henry Scarburgh* is seized in Fee Taille, and for other Purposes therein mentioned, was read the second Time, and committed to the Members of *Accomack* and *Northampton*.

A *Bill* For disposing of the publick Stores of Gunpowder in the Magazine in the City of *Williamsburg*, was read the second Time, and committed to the Committee of Propositions and Grievances.

Mr *Richard Henry Lee*, from the Committee to whom the Bill For establishing the Town of *Romney*, in the County of *Hampshire*, was referred, reported that the said Committee had had the said Bill under their Consideration, and had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to by the House. 92

Ordered, That the said Bill, with the Amendments, be engrossed, and read a third Time.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration divers Propositions and Petitions to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Petition of *Peter Jones*, praying that 28 Acres of his Land, adjoining the Town of *Petersburg*, which he has laid off into Lots and Streets, may be added to and made Part of the said Town, is reasonable.

Resolved, That the Petition of the Clerk, Sheriff, Surveyor and Gaoler, of the County of *Cumberland*, praying that the Deduction from their Tobacco Fees in the said County, for making the same convenient, may be lessened, be rejected.

Resolved, That the Petition of fundry Inhabitants of the County of *Albemarle*, praying that they may be permitted to build a Bridge over the north Branch of *James River*, in the said County, and that the Person who shall undertake to build the same, may, after

after it is finished, demand and take a reasonable Toll from Travellers passing over the same, is reasonable.

Resolved, That the several Petitions of sundry Inhabitants of the Counties of *Goochland* and *Amelia*, praying that the Inspection of Tobacco may begin on the 1st Day of *October* yearly, instead of the 20th, as is now by Law directed, and that it may end sooner, is reasonable.

Resolved, That the Inspection of Tobacco ought to end the 10th Day of *August*.

Resolved, That the Petition of *Charles Binns*, Clerk of *Loudoun* County praying that the Deduction from the Tobacco Fees of his Office, for making the same convenient, may be lessened, be rejected.

Ordered, That a Bill or Bills be brought in pursuant to the 1st and 3^d Resolutions, and it is referred to the Committee of Propositions and Grievances to prepare and bring in the same.

Ordered, That it be an Instruction to the Committee who are to prepare and bring in a Bill For further amending and continuing the Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs, that they receive a Clause or Clauses pursuant to the 4th and 5th Resolutions.

The House, according to Order, resolved itself into a Committee on the Bill For Relief of insolvent Debtors, for the effectual Discovery and more equal Distribution of their Estates and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the said Committee had had the said Bill under their Consideration, and gone through the same, and had made several Amendments thereto; which he read in his Place, and then delivered in at the Table, where the said Amendments were again twice read, and agreed to by the House.

Ordered, That the said Bill, with the Amendments, be engrossed, and read a third Time.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill For further continuing and amending the Act, entitled, *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*.

Resolved, That the House will resolve itself into a Committee on the said Bill Tomorrow.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Saturday the 11th of December. 3 Geo. III. 1762.

MR *Richard Henry Lee*, from the Persons appointed, presented to the House, according to Order, a Bill To confirm and establish an Agreement made between *James Scott* the elder, Clerk, and *James Scott* the younger, his Son; and the same was read the first Time, and ordered to be read a second Time.

On a Motion made,

The same was read the second Time, and committed to Mr *Richard Henry Lee*, and the Members of the Counties of *Prince William*, *Loudoun*, *Fairfax* and *Fauquier*.

Ordered, That Colonel *Stephen's* Letter, which was sent down from the Governour to this House on *Tuesday* last, and ordered to lie on the Table, be referred to the Consideration of the Committee of Claims.

A Bill To amend the Act for encouraging Arts and Manufactures was read the second Time.

Ordered, That the said Bill be engrossed, and read the third Time.

A Bill For altering the Court Day of the County of *Prince Edward* was read the second Time, and committed to the Committee of Propositions and Grievances.

A Bill To empower *George Parker* to make one Payment of £600 to the Churchwardens of the Lower Parish of *Nansemond*, in Lieu of a perpetual Annuity of £32, and for

for other Purposes therein mentioned, was read the second Time, and committed to the Members of *Nansemond, Accomack and Northampton*.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For paying the Burgeffes Wages in Money for this present Session of Assembly, and it is referred to Mr *Richard Henry Lee* to prepare and bring in the same.

Mr *Pendleton*, from the Persons to whom the Bill To dock the Entail of certain Lands whereof *Ralph Wormeley*, Esq; is seized, and for settling other Lands of greater Value to, the same Uses, was referred, reported that the said Committee had had the said Bill under their Consideration, and gone through the same, and had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the said Amendments were again twice read, and agreed to by the House.

Ordered, That the Bill with the Amendments be engrossed, and read a third Time.

Mr *Cary*, from the Committee of Publick Claims, reported that the Committee had examined and considered all the publick Claims which had been laid before them this Session, and had agreed upon a Report, which he had entered in a Book; and he delivered the Book in at the Table.

Ordered, That the said Report do lie on the Table.

Ordered, That Mr *Marshall* have Leave to be absent from the Business of this House the Remainder of this Session.

Mr *Pendleton*, from the Committee to whom the Bill To dock the Entail of certain Lands whereof *Henry Scarborough* is seized in Fee Taille, and for other Purposes therein mentioned, was committed, reported that they had examined into the Allegations thereof and found them to be true, but had made no Amendments thereto. 94

Ordered, That the said Bill be engrossed, and read a third Time.

A *Message* from the Council by Mr *Walthoe*.

That they have agreed to the Bill, entitled, An Act for directing and better regulating the Election of Burgeffes, for settling their Privileges, and for ascertaining their Allowances.

Also to a Resolve for allowing Andrew Lewis the Sum of £350

And that they have receded from their Amendment disagreed to by this House to the Bill, entitled, An Act for the more effectual keeping the publick Roads and Bridges in, Repair.

A Bill For establishing Pilots, and regulating their Fees, was read a second Time and committed to the Committee of Trade.

Ordered, That Mr *Wythe* and Mr *Richard Henry Lee* be added to the Committee of Trade.

A *Message* from the Council by Mr *Walthoe*.

That they have agreed to the Resolves:

For allowing the Honourable William Byrd, Esq; the Sum of £500, for the Purposes therein mentioned.

For allowing Mr George Mercer the Sum of £500, for his Services therein mentioned.

For allowing the several Officers of the Virginia Regiment six Months Pay, for their Services to their Country.

And to another, for granting the said Officers the several Sums therein mentioned.

A Bill To amend an Act, entitled, *An Act for regulating Ordinaries, and Restraint of Tippling Houses*, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

Mr

¹ Hening, VII. p. 517.

² *Ibid.*, VII. p. 577.

³ *Ibid.*, VI. p. 71.

Mr Attorney, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill For further amending and continuing the Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Also a Bill For building a Bridge over the north Branch of *James River*, in the County of *Albemarle*.

And a Bill For establishing the Town of *Charlottesville*, in the County of *Albemarle*; and the same were severally read the first Time, and ordered to be read a second Time.

The House, according to Order, resolved itself into a Committee on the Bill For further continuing and amending the Act entitled, *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*; and after some Time spent therein, Mr Speaker resumed the Chair, and Mr Attorney reported that the Committee had had the said Bill under their Consideration, but not having Time to go through the same they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into the said Committee on Monday next.

Mr Attorney, from the Committee of Propositions and Grievances, to whom the Bill For disposing of the publick Stores of Gunpowder in the Magazine, in the City of *Williamsburg*, was committed, reported that the Committee had had the said Bill under their Consideration, and had made an Amendment thereto; which he read in his Place, and then delivered the Bill with the Amendment in at the Table, where it was again twice read, and agreed to by the House.

⁹⁵ Ordered, That the said Bill with the Amendment be engrossed, and read a third Time.

A Petition of *James Hubbard* and *Frances* his Wife, setting forth that the Petitioner *Frances* is seized in Fee Taille of and in a Tract of Land in the Parish of *Brunswick*, in the County of *King George*, containing 840 Acres, or thereabouts, under the Will of *William Colston*, her late Grandfather; and that the Petitioner *James* is seized in Fee Simple of and in several Half Acre Lots of Land in the City of *Williamsburg*, with valuable Buildings, and other Improvements thereon; and that it would be greatly to the Advantage as well of themselves, as of those who may claim in Remainder of Reversion under the said *William Colston's* Will, if the Entail of the said Lands in *King George* were docked, and the said Lots in the City of *Williamsburg* were settled to the same Uses; and praying that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That a Bill or Bills be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Pendleton* to prepare and bring in the same.

And then the House adjourned until Monday Morning 11 o'Clock.

Monday, the 13th of December, 3 Geo. III. 1762.

A N engrossed Bill, entitled, *An Act to dock the Entail of certain Lands whereof Ralph Wormeley, Esq; is seized, and for settling other Lands of greater Value to the same Uses*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Pendleton* do carry up the said Bill to the Council for their Concurrence.

An engrossed Bill, entitled, *An Act to amend an Act, entitled, An Act for regulating Ordinaries, and Restraint of Tippling Houses*, was read the third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr Attorney do carry up the said Bill to the Council for their Concurrence.

An engrossed Bill, entitled, *An Act for disposing of the publick Stores of Gunpowder in the Magazine, in the City of Williamsburg*, was read the third Time.

Resolved

¹ Hening, VI, p. 326.

² Ibid., VII, p. 628.

³ Ibid., VII, p. 595.

⁴ Ibid., VII, p. 594.

Resolved, That the said Bill do pass.

Ordered, That Mr *Attorney* do carry up the said Bill to the Council for their Concurrence.

An engrossed *Bill*, entitled *An Act to amend the Act for encouraging Arts and Manufactures*, was read a third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *Wythe* do carry up the said Bill to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for Relief of insolvent Debtors, for the effectual Discovery and more equal Distribution of their Estates*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Richard Henry Lee* do carry up the said Bill to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for establishing the Town of Romney, in the County of Hampshire, and for other Purposes therein mentioned*, was read the third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *George Mercer* do carry up the said Bill to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act to dock the Entail of certain Lands whereof Henry Scarburgh is seized in Fee Simple, and for other Purposes therein mentioned*, was read the third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *Parramore* do carry up the said Bill to the Council for their Concurrence.

Mr *Bland*, from the Committee appointed, presented to the House, according to Order, a Bill To empower the respective Vestries of the Parishes of *St. Andrew*, in the County of *Brunswick*, and *Frederick*, in the County of *Frederick*, to sell their Glebe Lands; and the same was read the first Time, and ordered to be read a second Time.

A *Bill* For further amending and further continuing the Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs, was read a second Time, and committed to a Committee of the whole House Tomorrow.

Mr *Attorney*, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill For establishing several new Ferries.

Also a *Bill* To relieve sundry Persons whose Lands have been injured by cutting down their Timber to build Fort *Loudoun*.

Also a *Bill* For enlarging the Town of *Petersburg*, and for other Purposes therein mentioned; and the said Bills were severally read the first Time, and ordered to be read a second Time.

Mr *Attorney* also reported, from the said Committee, to whom the Bill For altering the Court Days of the Counties of *Prince Edward* and *Lunenburg* was committed, that the said Committee had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

Mr *Attorney* also reported that the Committee had had under their Consideration divers Propositions and Petitions from several Counties to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again read, and are as follow:

Resolved, That the Petition of sundry Inhabitants of the County of *King* and *Queen*, praying that a Town may be established on the Lands of *William Todd*, at or near *Todd's* Warehouses, on *Mattaponi* River, be rejected.

Resolved, That the Petition of *Betty Todd* and *William Todd*, in Opposition thereto, is reasonable.

Resolved

¹ Hening, VII, p. 563.

² *Ibid.*, VII, p. 549.

³ *Ibid.*, VII, p. 598.

⁴ *Ibid.*, VII, p. 634.

Resolved, That the Petition of *William Frazer*, praying that he may be allowed to keep up a Causeway that he has raised through the Marsh opposite to his Lands where a publick Ferry is established over *Mattapony* River, at his own Expence, and that the said Causeway may be established the publick Landing Place over the said Ferry, ought to be referred to the Consideration of the next Session of Assembly.

97 The *first* and *second* Resolutions being read a second Time were disagreed to by the House.

Ordered, That a Bill or Bills be brought in pursuant to the said Resolutions, and it is referred to the Committee of Propositions and Grievances to prepare and bring in the same.

A Message from the Council by Mr *Walthoe*.

That they have agreed to the Treasurer's Accounts.

*Also to the Bill, entitled, An Act*¹ to dock the Entail of certain Lands whereof *Ralph Wormeley*, Esq; is seized, and for settling other Lands of greater Value to the same Uses.

*Also to the Bill, entitled, An Act*² to amend an Act, entitled, An Act for regulating Ordinaries, and Restraint of Tippling Houses, *without any Amendments.*

*Also to the Bill, entitled, An Act*³ for disposing of the publick Stores of Gunpowder in the Magazine in the City of *Williamsburg*, with an Amendment, to which they desire the Concurrence of this House.

The House immediately proceeded to the Consideration of the Amendment proposed by the Council to the said Bill, and the same being read was agreed to.

Ordered, That Mr *Attorney* do go up with a Message to the Council, and acquaint them that this House have agreed to the Amendment by them proposed to the said Bill.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration divers Propositions and Petitions from the County of *Elizabeth City* to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Petition of fundry Inhabitants of the Parish of *Elizabeth City*, in the said County, complaining of illegal Proceedings of the Vestry of the said Parish, and praying that the said Vestry may be dissolved, be rejected.

Resolved, That the Petition of fundry other Inhabitants of the said County, praying that they may be empowered to build a bridge over *Back River*, in the said County.

Also a Petition of fundry other Inhabitants of the said County, in Opposition thereto, ought to be referred to the Consideration of the next Session of Assembly.

A Petition of *Mann Page*, Esq; setting forth that the Place where the Warehouses called *Page's*, on *Pamunkey* River, in the County of *Hanover*, stands, is become a Place of considerable Trade and Commerce, and which would be much enlarged if a Town was established there; that he has laid off 100 Acres of his Land there into Lots and Streets for a Town; and praying that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That a Bill be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Pendleton* to prepare and bring in the same.

Mr *Henry Lee* presented to the House, according to Order, a Bill For paying the Burgeesses Wages in Money for this present Session of Assembly; and the same was read the first Time, and ordered to be read a second Time.

98 The Order of the Day being read, the House again resolved itself into a Committee on the Bill For the better and more regular collecting the publick Fees; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Bill under their further Consideration, and made several Amendments thereto, which they had directed him to report to the House; and he read the said Amendments in his Place, and then delivered them in at the Table, where they were again twice read, and agreed to by the House.

Ordered

¹ Henning, VII, p. 628.

² *Ibid.*, VII, p. 595.

³ *Ibid.*, VII, p. 594.

Ordered, That the said Bill with the Amendments be engrossed, and read the third Time.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Tuesday, the 14th of December. 3 Geo. III. 1762.

MR Richard Henry Lee, from the Committee to whom the Bill To confirm and establish an Agreement made between *James Scott* the elder, Clerk, and *James Scott* the younger, his Son, was committed, reported that the Committee had examined into the Allegations of the said Bill, and found them to be true, but had made no Amendments thereto; and he delivered the Bill in at the Table.

Ordered, That the said Bill be engrossed, and read a third Time.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To amend the Act for the better Government of Servants and Slaves, and it is referred to Mr *Cary* to prepare and bring in the same.

On a *Motion* made,

Ordered, That *Stephen Barron*, the Ferry Keeper at *Falmouth*, be allowed the Sum of £15 for ferrying the *Virginia* Regiment, with their Baggage, &c. over *Rappahannock* River on the 20th of *September* last, and also for Ferriage of Officers and Soldiers at divers other Times since, as their various Occasions required, and for his Diligence therein.

The *Order* of the Day being read for the House to resolve itself into a Committee on the Bill For amending and further continuing the Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Ordered, That the several Petitions from sundry Counties relative thereto, and ordered to lie on the Table, be referred to the Consideration of the said Committee.

And then the House resolved itself into a Committee on the said Bill, and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Bill under their further Consideration, but not having Time to go through the same they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself in to the said Committee Tomorrow.

Mr *George Johnson*, from the Committee appointed, presented to the House, according to Order, a Bill To empower Tenants in Taille to make Leases for 3 lives, or 21 Years; and the same was read the first Time, and ordered to be read a second Time.

Mr *Edmund Pendleton*, from the Committee appointed, presented to the House, according to Order, a Bill To vest certain Lands therein mentioned in *James Hubbard*, and settling other Lands and Slaves of greater Value in Lieu thereof; and the same was read the first Time, and ordered to be read a second Time.

Mr *Cary*, from the Committee appointed, presented to the House according to Order, a Bill To amend the Act for the better Government of Servants and Slaves; and the same was read the first Time, and ordered to be read a second Time.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Wednesday, the 15th of December. 3 Geo. III. 1762.

ANew Member having taken the Oaths appointed to be taken by Act of Parliament, instead of the Oaths of Allegiance and Supremacy, and taken and subscribed the Oath of Abjuration, and also subscribed the Test, was admitted to his Place in the House.

On a *Motion* made,

Resolved

Resolved, That the Sum of £450 Sterling be paid by the Treafurer of this Colony, out of the publick Money in his Hands, to the Governours and Vifitors of *William and Mary* College, to be applied by them towards purchafing a proper Apparatus for the Inftruction of the Students of the faid College in Natural and Experimental Philofophy.

Ordered, That the faid Refolve be engroffed, and that Mr *Bland* do carry it up to the Council for their Concurrence.

Mr *Cary*, from the Committee of Claims, reported that the Committee had had under their Confideration a Letter from Colonel *Adam Stephen* to his Honour the Governour, laid before the Houfe, and referred to the faid Committee, and had come to feveral Refolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to, with an Amendment, as follow:

Resolved, That *George Frazier* ought to be allowed 12d. per Ration for the Troops victualled by him to the 17th of *June* laft, the Time *John Hawkins* iffued Provisions to the faid Troops under his Appointment as Commiffary from his Honour the Governour.

Resolved, That the Surgeon of the Regiment ought to be allowed a Month's Pay for attending the Soldiers now in the Hofpital, and that the Commiffary be allowed his Rations for the faid Soldiers.

Resolved, That the Sergeant and private Men ftationed at *Redstone* ought to be allowed a Month's Pay, to enable them to march into the inhabited Parts of this Colony.

Mr *Wythe*, from the Committee appointed, prefented to the Houfe, according to Order, a Bill For eftablifhing the Town of *Hanover*, in the County of *Hanover*, and the fame was read the firft Time, and ordered to be read a fecond Time.

A *Petition* of *Thomas Irwin*, fetting forth that in the Year 1759 being appointed by Colonel *Byrd*, with the Approbation of General *Amherft*, a Major of Brigade, he continued to act in that Capacity for the Years 1760 and 1761, when Colonel *Byrd* commanded on the Expedition againft the *Cherokees*: That he was at confiderable Expence in providing his Equipage, and of great Ufe in forming the raw undifciplined Troops deftined for that Service: That he alfo acted as Secretary to Colonel *Byrd*, and kept the contingent Charges for the Publick: That he paid him for one Year £100 Sterling, and offered to pay him for the Reft; but he refufedit, as the Petitioner was very certain Colonel *Byrd* had been at a much greater Expence than his Appointment would reimburse: And praying the Confideration of the Houfe therein, was prefented to the Houfe and read; and the Queftion being that the faid *Petition* be referred to a Committee,

It paffed in the Negative.

Resolved, That the faid *Petition* be rejected.

100 Mr *Benjamin Harrifon*, from the Committee of Trade, to whom the Bill For infpecting Pork, Beef, Flower, Tar, Pitch and Turpentine, was committed, reported that the faid Committee had made feveral Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to by the Houfe, with an Amendment.

Ordered, That the faid Bill with the Amendments be engroffed, and read a third Time.

A *Meffage* from the Council was delivered by Mr *Walthoe*.

That they have agreed to the Bill, entitled, An Act¹ for encouraging Arts and Manufactures, with an Amendment, to which they defire the Concurrence of this Houfe.

Alfo to the Bill, entitled, An Act² for Relief of infolvent Debtors, for the effectual Difcovery and more equal Diftribution of their Eftates, without any Amendments.

The *Order* of the Day being read, the Houfe again refolved itfelf into a Committee on the Bill For amending and further continuing the Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs; and after fome Time fpent therein, Mr *Speaker* refumed the Chair, and Mr *Attorney* reported that the Committee had had the faid Bill under their further Confideration, but not having Time to go through the fame they had directed him to move for Leave to fit again.

Resolved

¹ Hening, VII, p. 288.

² *Ibid.*, VII, p. 549.

Resolved, That this House will again resolve itself into a Committee on the said Bill Tomorrow.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Thursday, the 16th of December, 3 Geo. III. 1762.

M^R Benjamin Harrison, from the Committee of Trade, to whom the Bill For establishing Pilots, and regulating their Fees, was committed, reported that the said Committee had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to with some Amendments.

Ordered, That the said Bill, with the Amendments, as amended, be engrossed, and read a third Time.

A Bill For establishing the Town of *Charlottesville*, in the County of *Albemarle*, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A Bill For building a Bridge over the north Branch of *James River*, in the County of *Albemarle*, was read the second Time, and committed to M^r Thomas Walker, M^r Fry and M^r John Pendleton.

A Memorial of the Officers who served in the old *Virginia* Regiment, in Favour of *James Duncanson*, setting forth that in the Year 1755 he entered a Volunteer in that Corps, where his good Behavior soon procured him a Pair of Colours, from which he was promoted to a Lieutenancy, and behaved himself in those Appointments entirely to the Satisfaction of his Superiours and the Corps to which he belonged; that he never signified any Intention of leaving the Service until the latter End of the Campaign 1758, when he was disabled by a very dangerous Wound, occasioned by a Musket Ball passing through his Throat, which he received at the Head of a small Detachment that was ordered from Fort *Ligonier*, when that Post was attacked by a formidable Body of the Enemy, which occasioned the loss of his Voice for a Time, and rendered him incapable of serving any longer his King and Country as a Soldier; that in that Action he behaved with great Intrepidity and Conduct, and for the Space of 4 years he continued in the Regiment his well known Behaviour, his Services, and his Sufferings, sufficiently recommended him to the Notice of the Publick; and praying such Relief as this House shall think fit, was presented to the House and read. 101

Ordered, That the said Memorial be referred to M^r George Mercer, M^r Richard Henry Lee and M^r Thomas Walker; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

On a Motion made,

Ordered, nemine contradicente, That it be an Instruction to the Committee who are appointed to prepare an Address to his Majesty, in Behalf of the Officers of the *Virginia* Regiment, that M^r George Mercer be joined in the said Address.

The Order of the Day being read, the House again resolved itself into a Committee on the Bill For amending and further continuing the Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs; and after some Time spent therein, M^r Speaker resumed the Chair, and M^r Attorney reported that the Committee had gone through the said Bill, and made several Amendments thereto, but not having Time to prepare and draw up the same they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into a Committee on the said Bill Tomorrow.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Friday

Friday, the 17th of December, 3 Geo. III. 1762.

M^R Attorney, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill For establishing a Town on the Land of _____ at *Todd's* Warehouses, in the County of *King* and *Queen*; and the same being read the first Time, and the Question put that the said Bill be read a second Time,

It passed in the Negative.

Resolved, That the said Bill be rejected.

M^r Attorney also reported that the said Committee had had under their Consideration the Petition of *Matthew Watson*, praying that the real Estate of one *John Dudgeon*, in the Hands of his Heir at Law, may be subjected to indemnify the Petitioner from several Judgments obtained against him as Security of the said *John Dudgeon*, who died insolvent, and had come to the following Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

Resolved, That the said Petition be rejected.

A Petition of *Joseph Royle* setting forth that his Salary as Printer to this House will expire at the end of this Session of Assembly, and praying that the same may be further continued, was presented to the House and read.

Resolved, That the Sum of £350 per Annum be allowed to the said *Joseph Royle*, Printer, to continue to the End of the next Session of Assembly, as a full Consideration for printing the Journals of the House of Burgesses, printing the the Laws of each Session, and sending thirteen of them to every County Court Clerk, one of which to be half-bound for the Use of the Court, printing Inspectors Notes and Books, Proclamations, and other publick Advertisements.

Ordered, That the said Resolve be engrossed, and that *M^r Attorney* do carry it up to the Council for their Concurrence.

The Order of the Day being read, the House again resolved itself into a Committee on the Bill For amending and further continuing the Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs; and after some Time spent therein, *M^r Speaker* resumed the Chair, and *M^r Attorney* reported that they had made several Amendments to the said Bill, which they had directed him to report to the House; and he read the same in his Place, and then delivered them in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

M^r Attorney also, from the same Committee, reported that the said Committee had had under their Consideration the Petitions of sundry Inspectors to them referred, praying an additional Recompense for their past Services; and had come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where the same were again read, and agreed to, with some Amendments, as follow:

Resolved, That the Inspectors at the following Warehouses shall severally be allowed, for each of the Years 1761 and 1762, after the following Rates: At *Littlepage's* £5, at *Fredericksburg* £10, at the *Brick House* £5, at *Hunting Creek* £10, at *Robert Bolling's* Warehouse £20, at *Osborne's* £20, at *Byrd's* £10, at *Blandford* £15, at *Constance's* £10, at *Yeocomico* and *Russel's* £5, at *Matox* and *Machotax* £10, at *Page's* and *Crutchfield's* £10, at *Gray's Creek* £5, at *John Bolling's* £20, at *Wicomico* £5, at *Merewether's* £10, at *Warwick* £10, at *Acquia* £10, at *Falmouth* and *Dixon's* £5, and at *Quantico* £15, and that *Walter Scott*, Inspector at *Rocky Ridge*, be allowed £15, and *Joseph Stewart*, Inspector at *Royston's* £55, and *Michael Robinson*, Inspector at the same Place, £45, for their past Services.

Ordered, That it be an Instruction to the Committee of Claims to make the several Allowances in the Book of Claims, pursuant to the said Resolutions.

A Message from the Council by Mr Walthoe.

That they have agreed to the Bill entitled, An Act¹ for establishing the Town of Romney, in the County of Hampshire, and for other Purposes therein mentioned.

Also to the Resolve For paying to the Governours and Visitors of William and Mary College the Sum of £450 Sterling, for the Uses therein mentioned.

An engrossed *Bill*, entitled, An Act² for Inspecting Pork, Beef, Flower, Tar, Pitch and Turpentine, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr Harrison do carry up the said Bill to the Council for their Concurrence.

Mr Walker, from the Committee to whom the Bill For building a Bridge over the north Branch of *James River*, in the County of *Albemarle*, was committed, reported that the said Committee had made several Amendments to the said Bill; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time. 103

Mr Mercer, from the Committee to whom the Memorial of *James Duncanfon* was referred, reported that the said Committee had had the same under their Consideration, and had agreed upon a Report, and come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to, with an Amendment, as follows:

It appears to your Committee that the Allegations of the said Memorial are true.

Resolved, That the said *James Duncanfon* ought to be allowed £40 a Year during his Life.

Ordered, That the said Resolve be engrossed, and that Mr George Mercer do carry it up to the Council for their Concurrence.

Mr Cary, from the Committee of Claims, reported that the said Committee had had under their Consideration several Claims to them referred, for the Pay and Expenses of the Militia of different Counties, for Provisions for the *Indians* that came to the Assistance of this Colony, and for Damages done the Inhabitants thereof by the said *Indians*, and had agreed to a Report, and drawn up and stated an Account and Schedule thereof; which he read in his Place, and then delivered in at the Table, where the same was again read, and agreed to, with an Amendment.

Ordered, That Mr Cary do carry the same to the Council for their Concurrence.

The House proceeded to the Consideration of the Amendment proposed by the Council to the Bill, entitled, *An Act³ to amend the Act for encouraging Arts and Manufactures*; and the same being twice read, was agreed to.

Ordered, That Mr Wythe do go up with a Message to the Council, and acquaint them that this House have agreed to the Amendment by them proposed to the said Bill.

A Bill To vest certain Lands therein mentioned in *James Hubard*, and settling other Lands and Slaves of greater Value in Lieu thereof, was read the second Time, and committed to Mr Wythe, and the Members of *King George, York* and *James City*.

An engrossed *Bill*, entitled, *An Act⁴ to amend the Act, entitled, An Act to oblige the Owners of Mills, Hedges, or Stone Stops, on sundry Rivers therein mentioned, to make Openings or Slopes therein for the Passage of Fish, and for other Purposes therein mentioned*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr Attorney do carry it up to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act⁵ for further continuing and amending the Act, entitled, An Act for the better regulating and collecting certain Officers Fees, and for other Purposes*

¹ Hening, VII, p. 598.

² *Ibid.*, VII, p. 570.

³ *Ibid.*, VII, p. 563.

⁴ *Ibid.*, VII, p. 590

⁵ *Ibid.*, VII, p. 645.

Purposes therein mentioned, was read the third Time, and the Blanks therein filled up; and the Question put that the said Bill do pass,

It passed in the Negative.

Resolved, That the said Bill be rejected.

Ordered, That the Chaplain attend to read Prayers every Morning at Nine o'Clock.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

104

Saturday, the 18th of December, 3 Geo. III. 1762.

AN engrossed *Bill*, entitled, *An Act for establishing Pilots, and regulating their Fees*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Bradley* do carry the said Bill to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for amending and further continuing the Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Attorney* do carry up the said Bill to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for establishing the Town of Charlottesville, in the County of Albemarle*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Thomas Walker* do carry up the said Bill to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for altering the Court Days of the Counties of Prince Edward and Lunenburg*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Read* do carry up the said Bill to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act to confirm and establish an Agreement made between James Scott the elder, and James Scott the younger, his Son*, was read the third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *Richard Henry Lee* do carry up the said Bill to the Council for their Concurrence.

A *Bill* For regulating the Gold Coin of the *German Empire* was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A *Bill* For enlarging the Town of *Petersburg*, and for other Purposes therein mentioned, was read the second Time.

Ordered, That the said Bill be engrossed and read a third Time.

An engrossed *Bill*, entitled, *An Act for building a Bridge over the north Branch of James River, in the County of Albemarle*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Thomas Walker* do carry up the said Bill to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for regulating the Gold Coin of the German Empire*, was read the third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *Attorney* do carry the said Bill to the Council for their Concurrence.

Ordered, That Mr *Walker* have Leave to be absent the Remainder of this Session.

A

¹ Hening, VII, p. 580.
² *Ibid.*, VII, p. 580.

³ *Ibid.*, VII, p. 597.
⁴ *Ibid.*, VII, p. 622.

⁵ *Ibid.*, VII, p. 630.
⁶ *Ibid.*, VII, p. 622.

⁷ *Ibid.*, VII, p. 575.

A *Bill* For the better and more regularly collecting his Majesty's Quitrents, and the publick Taxes, was read the second Time, and committed to a Committee of the whole House on *Monday* next.

A *Bill* For adding the Parish of *Cameron* to the Parish of *Truro* was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A *Bill* For establishing several new Ferries was read the second Time, and committed to Mr *Legrand*, Mr *Read* and Mr *Mercer*.

An engrossed *Bill*, entitled, *An Act¹ for adding Part of the Parish of Cameron to the Parish of Truro*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *George Johnson* do carry up the said Bill to the Council for their Concurrence.

The House proceeded to the Consideration of the Book of Claims, presented to the House on *Saturday* last, and ordered to lie on the Table; and the same was read, and agreed to by the House.

Ordered, That Mr *Cary* do carry up the said Book of Claims to the Council for their Concurrence.

Mr *Wythe* reported that the Committee to whom the Bill To vest certain Lands therein mentioned in *James Hubard*, and settling other Lands and Slaves of greater Value in Lieu thereof, was committed, had examined into the Allegations thereof, and found them to be true, and had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

A Message from the Council was delivered by Mr *Walthoe*.

That they have agreed to the Bill, entitled, An Act² for establishing Pilots, and regulating their Fees.

Also to the Bill, entitled, An Act³ for regulating the Gold Coin of the German Empire.

Also to the Bill, entitled, An Act⁴ to amend the Act, entitled, An Act to oblige the Owners of Mills, Hedges, or Stone Stops, on fundry Rivers therein mentioned, to make Openings or Slopes therein for the Passage of Fish, and for other Purposes therein mentioned.

Also to the Bill, entitled, An Act⁵ for establishing the Town of Charlottesville, in the County of Albemarle.

Also to the Bill, entitled, An Act⁶ for altering the Court Days of the Counties of Prince Edward and Lunenburg.

Also to the Bill, entitled, An Act⁷ for inspecting Pork, Beef, Flower, Tar, Pitch and Turpentine, with an Amendment, to which they desire the Concurrence of this House.

The House immediately proceeded to the Consideration of the said Amendment; and the same being twice read, was disagreed to.

Ordered, That Mr *Bradley* do go up with a Message to the Council, and acquaint them that this House have disagreed to their Amendment.

Ordered, That a Committee be appointed to examine the enrolled Bills of the following Persons, viz. Mr *Fleming*, Mr *Henry Lee*, Mr *William Cappel*, Mr *James Mercer*, Mr *John Pendleton* and Mr *Bland* the younger.

A *Bill* To empower the Vestry of the Parish of *Bruton* to sell certain Lots in the City of *Williamsburg*, for the Purposes therein mentioned, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A *Bill* For establishing the Town of *Hanover*, in the County of *Hanover*, was read the second Time.

Ordered

¹ Hening, VII, p. 612.

² *Ibid.*, VII p. 580.

³ *Ibid.*, VII, p. 575.

⁴ *Ibid.*, VII, p. 590.

⁵ *Ibid.*, VII, p. 597.

⁶ *Ibid.*, VII, p. 622.

⁷ *Ibid.*, VII, p. 570.

Ordered, That the said Bill be engrossed, and read a third Time.

A *Bill* For establishing quarterly Courts in the several Counties of this Colony was read the second Time, and committed to a Committee of the whole House on *Monday* next.

An engrossed *Bill*, entitled, *An Act to empower the Vestry of the Parish of Bruton to sell certain Lots in the City of Williamsburg, for the Purposes therein mentioned*, was read the third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *Attorney* do carry the said Bill to the Council for their Concurrence.

A *Bill* To amend the Act for the better Government of Servants and Slaves was read the second Time, and committed to Mr *Cary* and Mr *Fleming*.

A *Bill* For amending and further continuing the Act for the better regulating and disciplining the Militia was read the second Time, and committed to the Committee of Propositions and Grievances.

A *Bill* For further continuing the Act for reducing the several Acts for making Provision against Invasions and Insurrections into one Act was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A *Bill* To amend the Act, entitled, *An Act for preventing excessive and deceitful Gaming*, was read the second Time, and committed to a Committee of the whole House on *Friday* next.

A *Message* from the Council was delivered by Mr *Walthoe*.

That they have agreed to the Book of Claims and Schedule; and that they insist on their Amendment made to the Bill, entitled An Act for inspecting Pork, Beef, Flower, Tar, Pitch and Turpentine.

That they have agreed to the Bill, entitled, An Act for amending and further continuing the Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs, with an Amendment, to which they desire the Concurrence of this House.

Also to the Bill, entitled, An Act for adding Part of the Parish of Cameron to the Parish of Truro.

Also to the Bill, entitled, An Act to empower the Vestry of the Parish of Bruton to sell certain Lots in the City of Williamsburg, for the Purposes therein mentioned.

Also to the Bill, entitled, An Act for building a Bridge over the north Branch of James River, in the County of Albemarle, without any Amendments.

Ordered, That Mr *Cary* do wait on his Honour the Governour with the Book of Claims and Schedule, and desire his Assent thereto.

Ordered, That Mr *Bradley* do go up to the Council, and acquaint them that this House insist on their Disagreement to the Amendment by them made to the Bill For inspecting Pork, Beef, Flower, Tar, Pitch and Turpentine, and that they desire they will pass the said Bill without the Amendment.

The House took into their Consideration the Amendment proposed by the Council to the Bill For amending and further continuing the Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs; and the same being twice read, was agreed to by the House.

Ordered, That Mr *Attorney* do go up to the Council, and acquaint them therewith.

Ordered, That a Committee be appointed to proportion the publick Levy, and that it consist of the following Persons, viz. Mr *Cary*, Mr *Thomas Walker*, Mr *Read*, Mr *Upshaw*, Mr *Wager* and Mr *George Mercer*.

And then the House adjourned until Monday Morning 10 o'Clock.

Monday

¹ Hening, VII, p. 607.

² *Ibid.*, VII, p. 214.

³ *Ibid.*, VII, p. 570.

⁴ *Ibid.*, VII, p. 530.

⁵ *Ibid.*, VII, p. 612.

⁶ *Ibid.*, VII, p. 607.

⁷ *Ibid.*, VII, p. 622.

Monday, the 20th of December, 3 Geo. III. 1762.

AN engrossed *Bill*, entitled, *An Act to vest certain Lands therein mentioned in James Hubbard, and settling other Lands and Slaves of greater Value in Lieu thereof*, was read the third Time.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Wythe* do carry up the said *Bill* to the Council for their Concurrence.

Mr *Cary* reported that the Committee appointed had, according to Order, settled the Proportion of the Country Levy, and stated the same in a Book; which he delivered in at the Table, where it was read, and agreed to by the House.

Ordered, That Mr *Cary* do carry up the said *Bill* to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for establishing the Town of Hanover, in the County of Hanover*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Wythe* do carry up the said *Bill* to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for further continuing the Act for reducing the several Acts for making Provision against Invasions and Insurrections into one Act*, was read the third Time, and the Blanks therein filled up.

Ordered, That Mr *Attorney* do carry up the said *Bill* to the Council for their Concurrence.

Mr *Attorney*, from the Committee of Propositions and Grievances, to whom the *Bill* For amending and further continuing the *Act* for the better regulating and disciplining the Militia was committed, reported that the Committee had made several Amendments thereto; which he read in his Place, and then delivered the *Bill* with the Amendments in at the Table, where the said Amendments were again twice read, and agreed to by the House.

Ordered, That the *Bill* with the Amendments be engrossed, and read a third Time.

An engrossed *Bill*, entitled, *An Act for enlarging the Town of Petersburg, and for other Purposes therein mentioned*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Fleming* do carry up the said *Bill* to the Council for their Concurrence.

Mr *Legrand*, from the Committee to whom the *Bill* For establishing several new Ferries was committed, reported that the said Committee had made several Amendments thereto; which he read in his Place, and then delivered the *Bill* with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said *Bill* with the Amendments be engrossed, and read a third Time.

The *Order* of the Day being read, the House resolved itself into a Committee on the *Bill* For the better and more regular collecting the publick Taxes; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the said Committee had had the said *Bill* under their Consideration, and made several Amendments thereto, which they had directed him to report to the House; and he read the said Amendments in his Place, and then delivered them in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said *Bill* with the Amendments be engrossed, and read a third Time.

A *Message* from the Council was delivered by Mr *Walthoe*.

That they have agreed to the Book of Proportions.

That they recede from the Amendment by them made to the Bill, entitled, An Act for inspecting Pork, Beef, Flower, Tar, Pitch and Turpentine, which was disagreed to by this House, and have passed the Bill without.

That

¹ Hening, VII, p. 636.

² *Ibid.*, VII, p. 601.

³ *Ibid.*, VII, p. 539.

⁴ *Ibid.*, VII, p. 602.

⁵ *Ibid.*, VII, p. 570.

That they have agreed to the Bill, entitled, An Act¹ to confirm and establish an Agreement made between James Scott the elder, Clerk, and James Scott, the younger, his Son.

Also to the Bill, entitled, An Act² for enlarging the Town of Petersburg, and for other Purposes therein mentioned.

Also to the Bill, entitled, An Act³ for further continuing the Act for reducing the several Acts for making Provision against Invasions and Insurrections into one Act.

Also to the Bill, entitled, An Act⁴ for establishing the Town of Hanover, in the County of Hanover.

And that they have agreed to the Resolve of this House for allowing Joseph Royle, Printer, £350 for the Services therein mentioned.

Also to the Resolve of this House for granting to James Duncanson £40 a Year during his Life, for his Services to his Country.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For raising a publick Levy, and it is referred to Mr *Cary* to prepare and bring in the same.

Mr *Cary* presented to the House, according to Order, a Bill For raising a publick Levy; and the same was read the first Time, and ordered to be read a second Time.

The *Order* of the Day being read, the House resolved itself into a Committee on the Bill For establishing quarterly Courts in the several Counties of this Colony; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that they had gone through the said Bill, but had made no Amendments thereto; and the Question being put that the said Bill be engrossed,

It passed in the Negative.

Resolved, That the said Bill be rejected.

Mr *Cary*, from the Committee to whom the Bill To amend the Act for the better Government of Servants and Slaves was committed, reported that the Committee had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill be engrossed, and read a third Time.

On a *Motion* made,

Ordered, That Mr *Charles Carter*, Junior, be added to the Committee appointed to prepare an Address to his Majesty.

A Bill For paying the Burgeesses Wages in Money for this present Session of Assembly was read the second Time, and committed to Mr *Cary* and Mr *Fleming*.

An engrossed Bill, entitled, *An Act⁵ for establishing several new Ferries*, was read the third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *Attorney* do carry up the said Bill to the Council for their Concurrence.

A Bill For raising a publick Levy was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Tuesday, the 21st of December, 3 Geo. III. 1762

ON a *Motion* made,

Resolved, That the Committee of Correspondence be directed to write to the Agent, and desire that he will Use his Endeavours to obtain an Act of Parliament for importing Salt from *Europe* into this Colony.

Ordered, That the said Resolve be engrossed, and that Mr *Benjamin Harrison* do carry it up to the Council for their Concurrence.

An

¹ Hening, VII, p. 630.

² *Ibid.*, VII, p. 602.

³ *Ibid.*, VII, p. 539.

⁴ *Ibid.*, VII, p. 601.

⁵ *Ibid.*, VII, p. 588.

An engrossed *Bill*, entitled, *An Act to amend the Act for the better Government of Servants and Slaves*, was read the third Time, and the Blanks therein filled up; and the Question being put that the said *Bill* do pass,

It passed in the Negative.

Resolved, That the said *Bill* be rejected.

An engrossed *Bill*, entitled, *An Act for amending and further continuing the Act for the better regulating and disciplining the Militia*, was read the third Time.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Attorney* do carry the said *Bill* to the Council for their Concurrence.

Mr *Cary*, from the Committee to whom the *Bill* For paying the Burgeffes Wages in Money for this present Session of Assembly, was committed, reported that the Committee had made several Amendments thereto; which he read in his Place, and then delivered the *Bill* with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said *Bill* with the Amendments be engrossed, and read the third Time.

An engrossed *Bill*, entitled, *An Act for raising a publick Levy*, was read the third Time and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Cary* do carry up the said *Bill* to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for the better and more regular collecting the publick Taxes*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Bland* do carry up the said *Bill* to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for paying the Burgeffes Wages in Money for this present Session of Assembly*, was read the third Time. 110

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Cary* do carry it up to the Council for their Concurrence.

Mr *Attorney* reported that the Committee appointed had, according to Order, prepared an Address to his Majesty, which he read in his Place, and then delivered in at the Table, where the same was again twice read, and agreed to.

Ordered, That the Committee of Correspondence be directed to transmit it to the Agent, to be presented to his Majesty.

Mr *Attorney* also reported that the said Committee had, according to Order, prepared an Address to his Majesty in Favour of the Officers of the *Virginia* Regiment; which he read in his Place, and then delivered in at the Table, where the same was again read, and agreed to, with some Amendments.

Ordered, That the Committee of Correspondence be directed to transmit the said Address to the Agent, to be presented to his Majesty, together with a List of the Names of the Officers.

A *Bill* To empower *Carter Henry Harrison*, Gentleman, to build a Mill on *Willis's* Creek, in the County of *Cumberland*, was read a second Time.

Ordered, That the said *Bill* be engrossed, and read a third Time.

A *Bill* To empower Tenants in Taille to make Leafes for 3 Lives, or 21 Years, was read the second Time, and committed to Mr *Benjamin Harrison*, Mr *George* and *James Mercer*, Mr *Attorney*, Mr *Bland* and Mr *Wythe*.

A *Bill* To amend the several Acts of this Colony for licensing Pedlars, and preventing Frauds in the Duties on Skins and Furs, was read the second Time.

Ordered, That the said *Bill* be engrossed, and read a third Time.

A *Bill* to relieve fundry Persons whose Lands have been injured, by cutting down their Timber to build Fort *Loudoun*, was read the second Time.

Ordered, That the said *Bill* be engrossed, and read a third Time.

A

¹ Failed to become a law.
² Hening, VII, p. 534.

³ *Ibid.*, VII, p. 543.
⁴ *Ibid.*, VII, p. 539.

⁵ *Ibid.*, VII, p. 596.

A *Bill* To empower the respective Vestries of the Parishes of *St. Andrew*, in the County of *Brunswick*, and *Frederick*, in the County of *Frederick*, to sell their Glebe Lands, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A *Bill* To repeal an Act made in the 22^d Year of his late Majesty's Reign, entitled, *An Act concerning Strays*, and to establish more effectual Method to prevent frauds committed by persons taking up strays, was read a second time.

Ordered, That the said Bill be engrossed, and read a third Time.

A *Bill* declaring Slaves to be personal Estate, and for other Purposes therein mentioned, was read the second time.

Ordered, That the said Bill be engrossed, and read the third Time.

A *Message* from the Council was delivered by Mr *Walthoe*.

That they have agreed to the Bill, entitled, *An Act*¹ to vest certain Lands therein mentioned in *James Hubard*, and settling other Lands and Slaves of greater Value in Lieu thereof.

Also to the Bill, entitled, *An Act*² for establishing several new Ferries.

Also to the Bill, entitled, *An Act*³ for amending and further continuing the Act for the better regulating and disciplining the Militia.

Also to the Bill, entitled, *An Act*⁴ for the better and more regular collecting the publick Taxes, with some Amendments.

Also to the Bill, entitled, *An Act*⁵ for the Payment of the Burgeesses Wages in Money for this present Session of Assembly.

111 Also to the Bill, entitled, *An Act*⁶ for raising a publick Levy.

Also to the Bill, entitled, *An Act*⁷ to dock the Entail of certain Lands whereof, *Henry Scarburgh* is seized in Fee Simple, and for other Purposes therein mentioned, without any Amendments.

And that they have agreed to the Resolve of this House relative to the Importation of Salt from Europe into this Colony.

The House immediately proceeded to consider the Amendments proposed by the Council to the Bill, entitled, *An Act*⁸ to vest certain Lands therein mentioned in *James Hubard*, and settling other Lands and Slaves of greater Value in Lieu thereof; and the same being read, was agreed to.

Ordered, That Mr *Wythe* do go up to the Council, and acquaint them thereof.

The House also considered the Amendments proposed by the Council to the Bill, entitled, *An Act*⁹ for establishing several new Ferries; and the same being read, was agreed to.

Ordered, That Mr *Attorney* do go up to the Council, and acquaint them thereof.

The House also considered the Amendment proposed by the Council to the Bill, entitled, *An Act*¹⁰ for amending and further continuing the Act for the better regulating and disciplining the Militia; and the same being read, was agreed to, with Amendments.

Ordered, That Mr *Attorney* do go up with a Message to the Council, and acquaint them that this House have made some Amendments by them proposed to the said Bill, to which they desire their Concurrence.

The House also took into Consideration the Amendments proposed by the Council to the Bill, entitled, *An Act*¹¹ for the better and more regular collecting the publick Taxes; and the same being read, was agreed to.

Ordered, That Mr *Bland* do go up to the Council, and acquaint them thereof.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Wednesday

¹ Hening, VI, p. 133.

² Ibid., VII, p. 636.

³ Ibid., VII, p. 588.

⁴ Ibid., VII, p. 534.

⁵ Ibid., VII, p. 539.

⁶ Ibid., VII, p. 596.

⁷ Ibid., VII, p. 543.

⁸ Ibid., VII, p. 634.

⁹ Ibid., VII, p. 636.

¹⁰ Ibid., VII, p. 588.

¹¹ Ibid., VII, p. 534.

¹² Ibid., VII, p. 539.

Wednesday. the 22nd of December. 3 Geo. III. 1762.

M^R Benjamin Harrifon, from the Committee to whom the Bill To empower Tenants in Taille to make Leafes for 3 Lives, or 21 Years, was referred, reported that the faid Committee had made feveral Amendments to the faid Bill; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to; and the Queftion being put that the faid Bill, with the Amendments, be engroffed, and read a third Time,

It paffed in the Negative.

Resolved, That the faid Bill be rejected.

An engroffed *Bill*, entitled, *An Act to repeal an Act made in the 22^d Year of his late Majefty's Reign, entitled, An Act concerning Strays, and to eftablifh a more effectual Method to prevent Frauds committed by Perfons taking up Strays*, was read the third Time, and the Blanks therein filled up.

Resolved, That the Bill do pafs.

Ordered, That M^r Attorney do carry up the faid Bill to the Council for their Concurrence.

An engroffed *Bill*, entitled, *An Act to empower Carter Henry Harrifon, Gentleman, to build a Mill on Willis's Creek, in the County of Cumberland*, was read the third Time, and the Blanks therein filled up.

Resolved, That the faid Bill do pafs.

Ordered, That M^r Attorney do carry the faid Bill to the Council for their Concurrence.

An engroffed *Bill*, entitled, *An Act declaring Slaves to be perfonal Eftate, and for other Purpofes therein mentioned*, was read the third Time.

Resolved, That the faid Bill do pafs.

Ordered, That M^r Attorney do carry up the faid Bill to the Council for their Concurrence.

An engroffed *Bill*, entitled, *An Act to amend the feveral Acts of Affembly of this Colony for licenfig Pedlars, and preventing Frauds in the Duties on Skins and Furs*, was read the third Time, and the Blanks therein filled up.

Resolved, That the faid Bill do pafs.

Ordered, That M^r Benjamin Harrifon do carry up the faid Bill to the Council for their Concurrence.

An engroffed *Bill*, entitled, *An Act to relieve fundry Perfons whose lands have been injured by cutting down their Timber to build Fort Loudoun*, was read a third Time, and the Blanks therein filled up.

Resolved, That the faid Bill do pafs.

Ordered, That M^r George Mercer do carry up the faid Bill to the Council for their Concurrence.

An engroffed *Bill*, entitled, *An Act to empower the refpective Veftries of the Parifhes of St. Andrew, in the County of Brunfwick, and Frederick, in the County of Frederick, to fell their Glebe Lands*, was read the third Time.

Resolved, That the faid Bill do pafs.

Ordered, That M^r Bland do carry up the faid Bill to the Council for their Concurrence.

M^r Speaker informed the Houfe he had juft received a Letter from Colonel Stephen, returning Thanks, with the Officers of the late Regiment, for the Favours received from this Houfe; and he delivered it in at the Table, where it was read, and is as follows:

Sir,

M^r Rutherford favoured me with the agreeable Information of the very handsome Manner in which the Affembly has been pleafed to acknowledge the Services of the late Regiment, and of the extreme genteel Gratuity voted to the Officers: This has impreffed their Hearts with indelible Marks of the moft genuine Gratitude, and they unite with me in begging you will

¹ Hening, VII. p. 545.

² *Ibid.*, VII. p. 626.

³ Not in Hening.

⁴ Hening, VII. p. 585.

⁵ Not in Hening.

⁶ Hening, VII. p. 617.

will be pleased to return our most unfeigned Thanks to that august Body, whose Generosity to us can only be equalled by the polite Manner in which their repeated Favour were conferred.

We beg leave, Sir, to assure you, and the respectable Gentlemen of the House, that no Distances of Time can ever efface or diminish the high Sense we entertain of your Goodness; to merit which will be an invariable Object of our Care and Ambition: This, in Case of any future Commotions, we will cherfully evince, by the most spirited Exertion of our best Endeavours to maintain the Honour and Safety of the Colony, which we have so long had the Honour to serve.

Permit me, Sir, to subscribe myself, in the Name of the Corps, with the most perfect Deference, Sir,

*Your most obliged and most
Humble Servant,
ADAM STEPHEN.*

*Fredericksburg,
Dec. 10, 1762.*

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A Message from the Council by Mr Walthoe.

That they have agreed to the Amendments made by this House to their Amendments to the Bill, entitled, An Act¹ for amending and further continuing the Act for the better regulating and disciplining the Militia.

Also to the Bill, entitled, An Act² to empower the respective Vestries of the Parishes of St. Andrew, in the County of Brunswick, and Frederick, in the County of Frederick, to sell their Glebe Lands.

Also to the Bill, entitled, An Act³ declaring Slaves to be personal Estate, and for other Purposes therein mentioned.

Also to the Bill, entitled, An Act⁴ to repeal an Act made in the 22^d Year of his late Majesty's Reign, entitled, An Act concerning Strays, and to establish a more effectual Method to prevent Frauds committed by Persons taking up Strays.

Also to the Bill, entitled, An Act⁵ to empower Carter Henry Harrison, Gentleman, to build a Mill on Willir's Creek, in the County of Cumberland.

Also to the Bill, entitled, An Act⁶ to amend the several Acts of Assembly of this Colony for licensing Pedlars, and preventing Frauds in the Duties on Skins and Furs.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Thursday, the 23rd of December. 3 Geo. III. 1762.

A *Petition of Michael M'Carty, James Atherton, Thomas Jones, Sen. Thomas Jones, Jun. John Connelly, John Davis, Stephen Foster, Bryan, William Shae, John Peal, Thomas Buckmaster and John Archer, setting forth that they have been some Time employed as Guardmen over the Magazine in the City of Williamsburg, and hope they have discharged their Duty faithfully, during all which Time they were exempt from mustering with the Militia, or finding Arms, but now being discontinued are obliged to enlist in the Militia, and find proper Arms; that they are very poor Men, and not able to spare so much from the Maintenance of their respective Families as will purchase suitable Arms for mustering; and praying that they may be permitted to keep the Arms they made Use of when they guarded the Magazine, which they promise shall be always ready for the Service of their King and Country, whenever Occasion may require, was presented to the House and read; and the Question being put that the said Petition be referred to a Committee,*

It passed in the Negative.

Resolved, That the said Bill be rejected.

On a Motion made,

Resolved

¹ Hening, VII, p. 534.
² *Ibid.*, VII, p. 617.

³ Not in Hening.
⁴ Hening, VII, p. 545.

⁵ *Ibid.*, VII, p. 626.
⁶ *Ibid.*, VII, p. 585.

Resolved, That the Speaker be directed, when the House shall be commanded by the Governour to attend him with the enrolled Bills for his Assent, to desire his Honour will be pleased not to lay an Embargo on Corn.

Mr *Fleming* reported that the Committee appointed had, according to Order, examined the enrolled Bills and Resolves, and rectified such Mistakes as were found therein; and that they were truly enrolled.

Ordered, That Mr *Fleming* do carry them up to the Council, for their Inspection.
A Message from the Council by Mr *Walthoe*.

That they have inspected the enrolled Bills and Resolves, and are satisfied they are truly enrolled.

A Message from the Council by Mr *Walthoe*.

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Mr *Speaker*,

"The Governour commands the immediate Attendance of your House in the Council Chamber, and that you bring with you such Bills and Resolves as are ready for his Assent."

Mr *Speaker* with the House went up accordingly, and his Honour the Governour was pleased to give his Assent to the following publick and private Bills:

1. *An Act for directing and better regulating the Elections of Burgeesses, for settling their Privileges, and for ascertaining their Allowances.*
2. *For further amending and further continuing the Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.*
3. *For amending and further continuing the Act for the better regulating and disciplining the Militia.*
4. *For further continuing the Act for reducing the several Acts for making Provisions against Invasions and Insurrections into one Act.*
5. *For the better and more regular collecting the publick Taxes.*
6. *For raising a publick Levy.*
7. *To repeal an Act made in the 22^d Year of his late Majesty's Reign, entitled, An Act concerning Strays, and to establish a more effectual Method to prevent Frauds committed by Persons taking up Strays.*
8. *For Relief of insolvent Debtors, for the effectual Discovery and more equal Distribution of their Estates.*
9. *To amend the Act for encouraging Arts and Manufactures.*
10. *For inspecting Pork, Beef, Flower, Tar, Pitch and Turpentine.*
11. *For regulating the Gold Coin of the German Empire.*
12. *For the more effectual keeping the publick Roads and Bridges in Repair.*
13. *For establishing Pilots, and regulating their Fees.*
14. *To amend the several Acts of Assembly of this Colony for licensing Pedlars, and preventing Frauds in the Duties on Skins and Furs.*
15. *For establishing several new Ferries.*
16. *To amend the Act entitled, An Act to oblige the Owners of Mills, Hedges, or Stone Stops, on sundry Rivers therein mentioned to make Openings or Slopes therein for the Passage of Fish, and for other Purposes therein mentioned.*
17. *For disposing of the publick Stores of Gunpowder in the Magazine in the City of Williamsburg.*
18. *To amend an Act, entitled, An Act for regulating Ordinaries, and Restraint of Tippling Houses.*
19. *For establishing the Town of Charlottesville, in the County of Albemarle.*
20. *For establishing the Town of Romney, in the County of Hampshire, and for other Purposes therein mentioned.*

For

¹ Hening, VII, p. 517.

² *Ibid.*, VII, p. 530.

³ *Ibid.*, VII, p. 534.

⁴ *Ibid.*, VII, p. 539.

⁵ *Ibid.*, VII, p. 539.

⁶ *Ibid.*, VII, p. 543.

⁷ *Ibid.*, VII, p. 545.

⁸ *Ibid.*, VII, p. 549.

⁹ *Ibid.*, VII, p. 563.

¹⁰ *Ibid.*, VII, p. 570.

¹¹ *Ibid.*, VII, p. 575.

¹² *Ibid.*, VII, p. 577.

¹³ *Ibid.*, VII, p. 580.

¹⁴ *Ibid.*, VII, p. 585.

¹⁵ *Ibid.*, VII, p. 588.

¹⁶ *Ibid.*, VII, p. 590.

¹⁷ *Ibid.*, VII, p. 594.

¹⁸ *Ibid.*, VII, p. 595.

¹⁹ *Ibid.*, VII, p. 597.

²⁰ *Ibid.*, VII, p. 598.

21. ¹For establishing the Town of Mecklenburg, in the County of Frederick.

22. ²For establishing the Town of Hanover, in the County of Hanover.

23. ³For enlarging the Town of Petersburg, and for other Purposes therein mentioned.

24. ⁴For enlarging the Town of Alexandria, in the County of Fairfax.

25. ⁵To empower the Vestry of the Parish of Bruton to sell certain Lots in the City of Williamsburg, for the Purposes therein mentioned.

26. ⁶For appointing Directors and Trustees for the Town of Blandford, in the County of Prince George, and to prevent Hogs running at large therein.

115 27. ⁷To empower the Vestry of the Parish of St. Patrick, in the County of Prince Edward, to levy for Thomas Wood a reasonable Satisfaction for his Expenses in building a Church there, which was burnt down before it was finished.

28. ⁸For adding Part of the Parish of Cameron to the Parish of Truro.

29. ⁹For settling the Bounds between the Parishes of Martin's Brandon and Bristol, in the County of Prince George.

30. ¹⁰For dividing the Parish of Accomack, in the County of Accomack, into two distinct Parishes.

31. ¹¹For dissolving the Vestry of the Parish of Hampshire, in the County of Hampshire, and electing a new Vestry in the said Parish.

32. ¹²To empower the respective Vestries of the Parishes of St. Andrew, in the County of Brunswick, and Frederick, in the County of Frederick, to sell their Glebe Lands.

33. ¹³For dividing the Parish of Nottoway, in the County of Southampton.

34. ¹⁴For adding part of the County of King and Queen to the County of Caroline, and for altering the Court Day of the said County of King and Queen.

35. ¹⁵For altering the Court Days of the Counties of Prince Edward and Lunenburg.

36. ¹⁶For building a Bridge over the north Branch of James River, in the County of Albemarle.

37. ¹⁷For building a bridge over Nottoway River, from the Land of Jeffe Brown, by Subscription.

38. ¹⁸To oblige the Justices of the County of Albemarle to refund to the Counties of Amherst and Buckingham their just Proportion of the Money paid for Weights and Measures before the Division of the said County of Albemarle.

39. ¹⁹To empower Carter Henry Harrison, Gentleman, to build a Mill on Willis's Creek, in the County of Cumberland.

40. ²⁰To dock the Entail of certain Lands whereof Ralph Wormeley, Esq; is seized, and for settling other Lands of greater Value to the same Uses.

41. ²¹To confirm and establish an Agreement made between James Scott the elder, Clerk, and James Scott the younger, his Son.

42. ²²To dock the Entail of certain Lands whereof Henry Scarburgh is seized in Fee Simple, and for other Purposes therein mentioned.

43. ²³To vest certain Lands therein mentioned in James Hubbard, and settling other lands and Slaves of greater Value in Lieu thereof.

44. ²⁴For paying the Burgeffes Wages in Money for this present Session of Assembly. His Honour likewise gave his Assent to the following Resolves:

1. For allowing the Officers of the Virginia Regiment the several Sums therein mentioned.

2. For allowing the several Officers of the Virginia Regiment 6 Months Pay.

3. For allowing the Hon. William Byrd, Esq; £500, for the Services therein mentioned.

4. For allowing Col. William Peachey one Year's Pay, in Consideration of his past Services.

5. For allowing M^r George Mercer £500, for the Services therein mentioned.

For

¹ Hening, VII, p. 600.

² Ibid., VII, p. 601.

³ Ibid., VII, p. 602.

⁴ Ibid., VII, p. 604.

⁵ Ibid., VII, p. 607.

⁶ Ibid., VII, p. 608.

⁷ Ibid., VII, p. 611.

⁸ Ibid., VII, p. 612.

⁹ Ibid., VII, p. 613.

¹⁰ Ibid., VII, p. 614.

¹¹ Ibid., VII, p. 616.

¹² Ibid., VII, p. 617.

¹³ Ibid., VII, p. 618.

¹⁴ Ibid., VII, p. 620.

¹⁵ Ibid., VII, p. 622.

¹⁶ Ibid., VII, p. 622.

¹⁷ Ibid., VII, p. 623.

¹⁸ Ibid., VII, p. 625.

¹⁹ Ibid., VII, p. 626.

²⁰ Ibid., VII, p. 628.

²¹ Ibid., VII, p. 630.

²² Ibid., VII, p. 634.

²³ Ibid., VII, p. 636.

²⁴ Ibid., VII, p. 596.

6. *For allowing Major Andrew Lewis the Sum of £350.*
7. *For allowing William Bronaugh a Year's Pay, as Captain in the Virginia Regiment.*
8. *For allowing Larkin Chew £100, and £40 a Year during his Life.*
9. *For allowing James Duncanson £40 a Year during his Life.*
10. *For paying to the Governours and Visitors of William and Mary College the Sum of £450 Sterling, for the Uses therein mentioned.*
11. *For paying Joseph Royle, Printer, £350.*

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And then closed the session with the following Speech:

Gentlemen of the Council, Mr Speaker, and Gentlemen of the House of Burgeffes,

The Fatigue you have sustained in preparing and considering the great Number of Bills I have this Day passed, and the Season of the Year, both conspire to call for a Relaxation from the Business you have been so deeply engaged in; and as I am always desirous to contribute to your private Interests, by giving you Time to attend to your own domestick Affairs, as far as my Duty to his Majesty, and my Concern for the Publick, will permit me, I shall give you that Recess which you now expect from me, by proroguing you, and you are accordingly prorogued, to the third Tuesday in April next.

JOURNAL

of the

HOUSE OF BURGESSES

1763

Burgeffes.

Accomac	*Thomas Parramore *Southey Simpson	Hanover	*Nathaniel Weft Dandridge *John Syme
Albemarle	*Thomas Walker *John Fry	Henrico	Bowler Cocke *Philip Mayo
Amelia	*David Greenhill *Thomas Tabb	Isle of Wight	*James Bridger *Jofeph Bridger
Amherft	*William Cabell *Cornelius Thomas	James City	*Lewis Burwell *Philip Johnfon
Augufta	*John Wilfon *Ifrael Christian	Jameftown	*Edward Champion Travis
Bedford	*William Callaway *John Talbot	King & Queen	John Pendleton John Robinfon
Brunfwick	*William Thornton *Ifaac Rowe Walton	King George	Charles Carter *Charles Carter, Jr.
Buckingham	*Robert Bolling, Jr. *Jofeph Cabell	King William	*Bernard Moore *Carter Braxton
Caroline	*John Baylor Edmund Pendleton	Lancafter	Charles Carter *Richard Mitchell
Charles City	Benjamin Harrifon *William Kennon	Loudoun	*Francis Lightfoot Lee *James Hamilton
Chefterfield	Archibald Cary Richard Eppes	Louifa	*William Johnfon *Thomas Johnfon
The College	*Mann Page	Lunenburg	*Henry Blagrove *Clement Reade Jr.
Culpeper	*John Field *James Barbour	Middlefex	*John Smith *Ralph Wormeley
Cumberland	*George Carrington *John Fleming	Nanfemond	*Willis Riddick *Lemuel Riddick
Dinwiddie	*Robert Bolling *Leonard Claiborne, Jr.	New Kent	*Burwell Baffett *Richard Adams
Elizabeth City	George Wythe *William Wager	Norfolk	William Bradley *Thomas Veal
Effex	*John Lee *John Upfhaw	Norfolk Borough	Joseph Hutchings
Fairfax	*George Johnfton *John Weft	Northampton	*John Harmanfon *Thomas Dalby
Fauquier	*Thomas Harrifon *Thomas Marfhall	Northumberland	*Richard Hull *Spencer Ball
Frederick	George Wafhington George Mercer	Orange	*James Taylor *James Walker
Gloucefter	*Thomas Whiting John Page	Prince Edward	*Peter Legrand *Abner Nafh
Goochland	*John Payne *Jofias Payne	Prince George	Richard Bland *Richard Bland, Jr.
Halifax	*Nathaniel Terry *Robert Wade	Prince William	*John Baylis Henry Lee
Hampfhire	James Mercer *Thomas Rutherford	Princels Anne	*Edward Hack Mofeley *Anthony Walke

*Not fhown by the Journal to have been prefent during the Affembly.

Richmond	*John Woodbridge	Suffex	*David Mafon
	*Landon Carter		*John Edmunds
Southampton	*Jofeph Gray	Warwick	*William Digges
	*Benjamin Symmons		*William Harwood
Spotfylvania	*Fielding Lewis	Westmoreland	Richard Henry Lee
	Benjamin Grymes		*Richard Lee
Stafford	*William Fitzhugh	Williamfburg	Peyton Randolph
	Thomas L. Lee	York	*Dudley Digges
Surry	*Hartwell Cocke		*Thomas Nelson, Jr.
	*William Bailey		

*Not fshown by the Journal to have been prefent during the Affembly.

Changes in the Perfonnel, 1763.

Lunenburg Clement Reade, Jr. fucceeded Clement Reade

JOURNAL

of the

HOUSE OF BURGESSES

Thursday, the 19th of May, 3 Geo. III. 1763.

A Message from the Governour was delivered by Mr Walthoe.

Mr Speaker, and Gentlemen of the House of Burgeffes,
The Governour commands the immediate Attendance of your House in the Council Chamber.

Accordingly Mr Speaker, with the House, went up to attend the Governour; and being returned, reported that he, with the House, had attended the Governour in the Council Chamber, and that he was pleased to make a Speech to the Council and this House, of which he had, to prevent Mistakes, obtained a Copy; which he read to the House, and afterwards delivered in at the Table, where it was again twice read, and is as follows:

Gentlemen of the Council, Mr Speaker, and Gentlemen of the House of Burgeffes,

I have called you together before the Time to which you stood prorogued, on Business of the greatest Importance to the trading Interest not only of this Colony but to that of our Mother Country.

You may remember that on a former Application of the Merchants of Great Britain, trading to Virginia, I was honoured with an Instruction from his Majesty that I should recommend it to your Consideration in what Manner you could better provide for their Security in recovering Sterling Debts due from this Colony to them: Your Neglect of that Instruction has now drawn on you the Censure of the Right Honourable the Board of Trade, for that Behaviour. On a fresh Application of the Merchants to their Lordships, they have come to several Resolutions on that Head, which I shall immediately lay before you. I have never yet deceived you, and I will not now attempt it; but, in plain Language, inform you that all Endeavours to evade their Force will prove fruitless, and plunge you still deeper in his Majesty's Displeasure. It is absolutely necessary that something should be done to give the Merchants that Satisfaction for which they call upon you, and for which, in Case of Failure of Success here, they will call upon a higher Power. But from my Knowledge of the Integrity of your Hearts, and of your Desire that every Man should receive full Payment and Satisfaction for the Debts due to him, whether contracted in Sterling or current Money, whether he be an Inhabitant of Great Britain or Virginia, I am fully persuaded you will immediately do every Thing in your Power to do them the strictest Justice, and remove their Fears. The Means of effecting this I shall leave to the Result of your own Deliberations, after recommending two Points to your Consideration.

As the Support of publick Credit is of the most urgent Importance to a trading Country, I must press you to take Care that the Paper Money now in Currency may be effectually redeemed at the Times stated in the Acts of Assembly passed for that Purpose, either by better providing for the Collection of the present Taxes, if sufficient for the End proposed, or laying some additional Tax, if the present are found insufficient for the Purpose, that the Periods for redeeming the same may not be protracted.

Another Point I would recommend to you is the repealing the insolvent Law, passed last Session of Assembly, before it can take Place and have any Effect: This Measure must

must fully convince his Majesty, his Ministers, and even the Merchants of Great Britain themselves, of your upright Intentions, and your Desire of doing Justice to all Mankind; for upon your reconsidering that Law you will find that the Advantages to the Debtor and Creditor arising from it are not mutual; and that a Debtor has it in his Power to act with great Partiality, by paying particular Creditors before he is reduced to give up the Whole for the Satisfaction of the others. This is a Point which you may be sure cannot be overlooked, and which must necessarily turn to your Disadvantage, if you do not put a Remedy to it yourselves.

After thus representing to you the Situation of your Affairs with the Right Honourable the Board of Trade, I should not do Justice to their Lordships who compose that Board were I not to point out their Lenity in postponing any Observations on your Conduct, or any Report to his Majesty in your Disfavour, until they had communicated their Resolutions to you, to give you Time to reconsider these Matters coolly, and remedy the Evils complained of. For this Purpose they have not only sent them in to me, but have given Copies to Mr Abercrombie and Mr Montague, to be by them transmitted to every Branch of the Legislature.

I am persuaded I have said enough to convince you of the Utility and Necessity of your engaging heartily in the Measures enforced by the Resolutions of the Right Honourable the Lords of Trade; and as the least Appearance of Reproach must sensibly affect feeling Minds, I shall quit this unpleasing Subject, to enter upon one which must communicate Joy to all true Lovers of their Country, I mean the Conclusion of a most glorious and honourable Peace between his Majesty and all his Enemies, of which happy Event I take this Opportunity to congratulate with you. The Care his Majesty has taken of his American Colonies is a further Proof of his Attention to their Interest and Security, and demands the strongest Returns of Loyalty, Obedience and Affection, from us.

Mr Speaker, and Gentlemen of the House of Burgeffes,

This glorious Prospect of a solid and lasting Peace will afford you an Opportunity of particularly attending to the Finances of this Colony, and of putting them on a Footing which may tend to the Advancement of the Trade and Credit of the Colony, and the Security and Satisfaction of the Merchants trading to it, and which may correspond with the Sentiments of the British Ministry as to the Establishment of the Currency of the Colonies; for the answering all which good Purposes, I doubt not you will provide with your usual Prudence and Impartiality.

Gentlemen of the Council and of the House of Burgeffes,

The Points I have recommended to your Consideration call upon you for your most serious Reflexion, and I hope you will enter upon them with that Degree of Earnestness and Harmony which the Nature of them requires from you.

On a Motion made,

Resolved, That an Address be presented to his Honour the Governour, to represent to him that, to comply with his Majesty's Requisitions, we were under a Necessity of making the several Emissions of Treasury Notes, as no Specie could be procured for those Exigencies; and that we expected they would have been considered as Acts of Duty to our Sovereign, and not made the Subject of Complaint: That we never thought it just to circulate them without making them a legal Tender in all Payments, except for his Majesty's Quitrents; nor could we ever have been induced to emit them on any other Terms.

That we imagined, when the Courts were empowered to direct at what Difference of Exchange Sterling Debts should be discharged, and sufficient Funds were established for the Redemption of those Notes, no Persons trading to this Colony could receive any Injury, and therefore little expected to be censured as neglecting his Majesty's Instruction, the Spirit of which had been, in our Opinion, complied with.

That

That we think the *British* Merchants have not consulted their own Interest in this Complaint, since the Losses they may have sustained by the sudden Rise of Exchange will be made up to them on its present declining State.

But, lest we may be mistaken in our Opinion on this Matter, we will (on his Honour's Recommendation, of whose Sincerity we have never had Reason to doubt) take it again into our Consideration, and do every Thing in our Power to support publick Credit, and avoid his Majesty's Displeasure, which we have always regarded as the greatest Misfortune.

To assure him that we will reconsider the Insolvents Law, and remove all Cause of Complaint on that Head, if possible; and to express our Happiness on the Conclusion of a safe, honourable, and advantageous Peace.

Ordered, That a Committee be appointed to draw up an Address to the Governour, pursuant to the said Resolution; and it is referred to Mr *Charles Carter*, Mr *Edmund Pendleton* and Mr *Wythe*, to prepare and bring in the same.

Mr *Speaker* informed the House that the Governour had delivered to him the Resolutions of the Lords of Trade, on the Memorial of the *British* Merchants on the Subject of our Paper Currency, and desired him to lay them before the House; and the said Resolutions were read, and ordered to lie on the Table.

Resolved, That this House will take the Governour's Speech into Consideration Tomorrow.

Resolved, That an Address be presented to his Honour the Governour, to desire that he will be pleased to lay the Instruction mentioned in his Speech before the House; and that Mr *Attorney* do wait on him with the said Address.

Ordered, That the Committee of Correspondence lay their Letters to the Agent, relative to the *British* Merchants Remonstrance to the Board of Trade concerning our Paper Currency, and his Answers thereto, before the House.

Resolved, That an Address be made to his Honour the Governour, to order a new Writ to issue for electing a Burgess to serve in this present General Assembly for the County of *Lunenburg*, in the Room of Mr *Clement Read*, Gentleman, deceased; and that Mr *Pendleton* do wait on him with the said Address.

Ordered, That the Reverend Mr *William Yates* be continued Chaplain to this House, and that he attend to read Prayers every Morning at 10 o'Clock.

Ordered, That the several Doorkeepers be continued in their respective Offices, and that they give their Attendance accordingly.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Friday, the 20th of May. 3 Geo. III. 1763.

MR *Charles Carter* reported that the Committee appointed had, according to Order, prepared an Address to the Governour; which he read in his Place, and then delivered in at the Table, where the same was again twice read, and agreed to by the House, and is as follows:

Sir,

We his Majesty's most dutiful and loyal Subjects, the Burgeffes of Virginia, now met in General Assembly, humbly beg Leave to represent to your Honour that as our several Emissions of Treasury Notes, so loudly complained of, were made in Consequence of his Majesty's Requisitions, when it was impossible to procure Specie for those Exigencies; and there being no other Succedaneum than Paper within our Knowledge, we could not expect what we then did would be considered otherwise than as Acts of Duty to our Sovereign; and we hoped that Expedient, not indeed in itself always eligible, was justified by Necessity: And we did not think it equal or just to circulate such Notes without giving them the essential
Quality

Quality of Money, by making them a legal Tender in Payment of all Debts, except for his Majesty's Quitrents, and would not have emitted them at all upon any other Conditions.

That after the Courts were empowered to direct at what Difference of Exchange Judgments for Sterling Debts should be discharged, which Power had never been abused to the Disadvantage of any Creditor, and as the Notes were redeemable by Funds sufficient, in our Opinion, for that Purpose, if the Taxes imposed were duly collected, for regulating and enforcing which Collection the most effectual Methods have from Time to Time been established, we imagined as good a Security was provided for all Persons trading hither as could be, and that none of them could suffer, except from the fluctuating Nature of Exchange, which no Laws can guard against; and therefore we did not apprehend we should deserve Censure, as neglecting the royal Instruction, the Spirit of which, we humbly conceived, had been complied with.

Under such Circumstances, we cannot help considering it as an Instance of Weakness or Caprice in the British Merchants still to insist on Satisfaction in these Points, especially when the Evil they complain of, the excessive Rise of Exchange, will be sufficiently balanced by the Advantage they must inevitably receive from its present declining State.

We, Sir, are so conscious of the Rectitude of our Intentions with respect to all Creditors, and of our having done, as we conceived, the strictest Justice to them, that we cannot help feeling very sensibly the least Appearance of Reproach on this Account; but lest we may have been mistaken in our Conceptions, and as well to convince the World of our Integrity and Inclination to do Justice to all Mankind, as to pay that Regard which is due to your Honour's Recommendation, of whose Sincerity we have had too many Instances to doubt it upon this Occasion, and to whom we own ourselves obliged for that Freedom with which you have warned us of our Danger, we will reconsider this Subject with the Coolness and Attention the Importance of it deserves, and assure your Honour that every Thing in our Power shall be done for the Support of publick Credit: And although our Conduct herein may not entirely remove the Fears of all the Merchants, permit us to hope it may prevent his Majesty's Displeasure, which we should lament as our greatest Misfortune, and shall ever most studiously endeavor to avoid.

We will also take the insolvent Law under our Consideration' and remove all Causes of Complaint on that Head, if possible.

We do most heartily rejoice with your Honour on the Conclusion of the Peace, an Event not more glorious to his Majesty than it will be happy for us, whilst with that is continued the additional Blessing of his princely Attention to our Interest and Security, which shall ever meet with the warmest Returns of Gratitude, Loyalty and Affection.

Ordered, That the said Addrefs be fairly transcribed, and presented by the whole House.

Ordered, That the Committee who prepared the same wait on the Governour to know his Pleasure when they shall attend his Honour to present it.

Mr Attorney delivered in at the Table his Majesty's Instruction mentioned in the Governour's Speech, which he received from his Honour in Consequence of the Addrefs of this House.

He also laid before the House, according to Order, the Letters of the Committee of Correspondence to the Agent, respecting the *British* Merchants Memorial to the Board of Trade, and his Answers thereto.

Ordered, That the same do lie on the Table.

The Order of the Day being read for the House to take into their Consideration the Governour's Speech,

Resolved, That this House will resolve itself into a Committee on the said Speech.

Ordered, That the Memorial of the *British* Merchants, the Resolutions of the Lords of Trade, and the Letters of the Committee of Correspondence, and the Agent's Answer thereto, be referred to the Consideration of the said Committee.

And then the House resolved itself into a Committee on the said Speech and Letters; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Charles Carter* reported

reported that the Committee had had the said Speech, Letters and Papers, under their Consideration, but not having Time to go through the same they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into a Committee on the said Speech Tomorrow.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Saturday, the 21st of May, 3 Geo. III. 1763.

M^R Charles Carter reported that the Committee appointed had, according to Order, waited on his Honour the Governour, to know his Pleasure when the House should attend him with their Addrefs, and that he was pleased to appoint this Day, and to say he would send a Message to the House when he was ready to receive it.

On a *Motion* made,

⁶ *Ordered*, That Leave be given to bring in a Bill To alter the Court Day of the County of *Stafford*, and it is referred to M^r *Richard Henry Lee* and M^r *Thomas Lee* to prepare and bring in the same.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For further continuing and amending the Act, entitled, *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*, and it is referred to M^r *Bland* to prepare and bring in the same.

A *Message* from the Governour was delivered by M^r *Waltheo*.

M^r *Speaker*,

I am commanded by the Governour to acquaint your House that his Honour is now ready to receive their Addrefs in the Council Chamber.

M^r *Speaker*, with the House, went up accordingly; and being returned, reported that he had, with the House, attended the Governour in the Council Chamber, and presented the Addrefs of this House to him, to which he was pleased to answer:

M^r *Speaker*, and Gentlemen of the House of Burgeffes,

From the Assurances you now give me that you will reconsider the Matters recommended to you with all the Coolness and Attention which the Importance of them deserves, from the just and becoming Sense you show of the Loss of his Majesty's Favour, and from the long known Integrity of your Hearts, I have the strongest Reason to hope you will fall upon such Measures as will do Honour to yourselves, and convince the World that you are earnest to do impartial Justice to all Mankind, and to support the Credit of the Colony; which will inevitably restore you to any Part of his Majesty's Favour which you may have unfortunately lost.

These Resolutions give me great Pleasure; which, with the Regard you express to my Recommendation, demand my Thanks, which I most heartily give you.

A *Petition* of *Thomas Gift*, setting forth that he entered in the Service of this Colony in the Year 1756 as an Officer in the Regiment, and continued therein until it was disbanded in 1762; that in Colonel *Grant's* Engagement, near *Pittsburg*, he received a Wound in his right Hand, which has almost deprived him of the Use thereof, and lost all his Baggage, to a considerable Value, and was himself taken Prisoner by the *Indians*, and detained for a Year, when he found Means to escape, and endured great Fatigue and Hardships in his Return; that he is greatly hindered in his Means of Livelihood by his said Wound, and has not a sufficient Fortune to support himself; and praying the Consideration of the House therein, was presented to the House and read.

Ordered

Ordered, That the said Petition be referred to Mr *Edmund Pendleton*, Mr *Washington*, Mr *Richard Bland* and Mr *Mercer*; that they examine the Allegations thereof, and report the same, with their Opinion thereon, to the House.

The *Order* of the Day being read for the House to resolve itself into a Committee on the Governour's Speech,

Ordered, That the further Consideration of the said Speech be put off until *Monday* next.

A Claim of *John Bailey*, for taking up a Runaway therein mentioned, was presented to the House and received.

Ordered, That the said Claim be referred to the Consideration of the next Session of Assembly.

On a *Motion* made,

Ordered, That all such Claims and Propositions as were referred from the last to this Session of Assembly, and also all such Claims and Propositions as shall be certified to this Session of Assembly, be referred to the Consideration of the next Session of Assembly.

And then the House adjourned until Monday Morning 11 o'Clock.

Monday, the 23rd of May, 3 Geo. III. 1763.

MR *Richard Bland*, from the Committee appointed, presented to the House, according to Order, a Bill For further continuing and amending the Act, ⁷ entitled, *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*; and the same was read the first Time, and ordered to be read a second Time.

The *Order* of the Day being read, the House resolved itself into a Committee to take into their further Consideration the Governour's Speech, together with the several Letters and Papers to the said Committee referred; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Charles Carter* reported that the Committee had had the said Speech and Letters under their further Consideration, but not having Time to go through the same they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into the said Committee Tomorrow.

On a *Motion* made,

Ordered, That a Committee be appointed to inquire into the Funds for the Redemption of the Paper Currency, and that they state and report the same to the House; and it is referred to Mr *Bland*, Mr *Richard Henry Lee* and Mr *Benjamin Harrison*.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To amend an Act, entitled, *An Act for enlarging the Towns of Fredericksburg and Winchester, the City of Williamsburg, and Town of Dumfries, and for other Purposes therein mentioned*; and it is referred to Mr *Grymes* to prepare and bring in the same.

Mr *Richard Henry Lee*, from the Committee appointed, presented to the House, according to Order, a Bill For altering the Court Day of the County of *Stafford*; and the same was read the first Time, and ordered to be read a second Time.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Tuesday, the 24th of May, 3 Geo. III. 1763.

A Petition of the Inspectors at *Morton's* Warehouse, praying their Salaries may be augmented, was presented to the House and read, and referred to the Consideration of the next Session of Assembly.

Also a Petition of the Inspectors at *Gibson's* Warehouse, praying to be allowed for 840 lbs. of Tobacco that was stolen out of the said Warehouse, at two different

¹ Hening, V, p. 326.

² *Ibid.*, VII, p. 314.

ent Times, in the Months of *January* and *April* laſt, was preſented to the Houſe and read, and referred to the Conſideration of the next Seſſion of Aſſembly.

On a *Motion* made,

Ordered, That it be an Inſtruction to the Committee to whom it is referred to bring in a Bill To amend an Act, entitled, *An Act for enlarging the Towns of Frederickſburg and Wincheſter, the City of Williamſburg, and Town of Dumfries, and for other Purpoſes therein mentioned*, that they receive a Claufe or Clauſes to enlarge the Town of *Portſmouth*, by the Addition of ——— Acres of Mr *Veal's* Land, adjoining to the ſaid Town.

Mr *Bland*, from the Committee appointed, reported that the ſaid Committee had, according to Order, examined into the State of the Treafury Notes emitted, and the ſeveral Taxes impoſed by Law for ſinking the ſame, and had ſtated an Account thereof, by which it appears that the Taxes exceed the Treafury Notes iſſued £11452. 4. 7, to which Sum large Arrears due from ſeveral Sheriffs, for which Judgments have been obtained in the General Court, are to be added; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the Houſe, as follows:

Dr.	STATE of the TREASURY NOTES	Emitted,
To Notes iſſued in <i>June</i> 1757	£ 179962	10
Do. <i>April</i> 1758	32000	
Do. <i>September</i> 1758	57000	
Do. <i>February</i> 1759	52000	
Do. <i>November</i> 1759	10000	
Do. <i>March</i> 1760	20000	
Do. <i>May</i> 1760	32000	
Do. <i>March</i> 1762	30000	
Balance of the Taxes more than the Notes iſſued,	11452	4 7
	£ 424414	14 7
		Cr.

1760 <i>July</i> , by Notes burnt, redeemable in 1765	£ 10051	14 3
<i>November</i> , Do. — — Do.	20678	15 9
1761 <i>May</i> , Do. — — Do.	9633	14
<i>December</i> , Do. — — Do.	10792	6
1762 <i>July</i> , Do. — — Do.	6821	10
<i>November</i> , Do. — — Do.	16421	16
Do. redeemable — 1776	2593	5 9
Do. — 1768 and 1769	1634	7
Do. 1766, 1768 and 1769	1534	7 6
Do. Do. Do. Do.	147	18 9
Do. Do. Do. Do.	5345	11 6
	85655	6 6
Notes in the Treafury, by laſt Account, to be burnt	25574	13 1
Do. received ſince, to be burnt	24300	
Notes, Part of the £ 57,000 directed to be iſſued in <i>September</i> 1758 not emitted	375	
Do. Part of the £ 30,000 directed to be iſſued in <i>March</i> 1762, not emitted	10250	
	146154	19 7
		By

¹ Hening, VII, p. 314.

By a Tax on 120,000 Tithes for 1763, at 4s	£ 24000	
Do. on 10,000000 Acres of Land, 2s	10,000	
Do. 50,000 Hhds. of Tobacco, 2s	5,000	
Do. Slaves.....	2,000	
Do. Wheel Carriages, Writs and Licenfes	2,000	
	<hr/>	
	43,000	
Collector's Commiffion, at 5 per Cent	2,150	
	<hr/>	
	40,850	
Treafurer's Commiffion.....	931	
	<hr/>	39,919
Taxes for 1764, the fame		39,919
Do. for 1765, Do.		39,919
By Tax on 120,000 Tithes for 1766, at 5s	30,000	
Land Tax	10,000	
Tobacco	5,000	
	<hr/>	
	45,000	
Collector's Commiffion, at 5 per Cent	2,250	
	<hr/>	
	42,750	
Treafurer's Commiffion, at 2 per Cent	855	41,895
	<hr/>	
Taxes for 1767.....		41,895
Do. for 1768.....		41,895
By Tax on 120,000 Tithes for 1769, at 4s	24,000	
Land Tax	6,250	
Tax on Tobacco	5,000	
	<hr/>	
	35,250	
Collector's Commiffion	1,762-10	
	<hr/>	
	33,487-10	
Treafurer's Commiffion.....	669-15	
	<hr/>	
		32,817 15
		<hr/>
		£ 424414 14 7

Ordered, That the faid Report do lie on the Table.

A *Petition* of *Joseph Royle*, Printer, praying the Continuance of his Salary as Printer to this Houfe, was prefented to the Houfe and read.

Resolved, That the Sum of £ 350 per Annum be allowed to the faid *Joseph Royle*, to continue to the End of the next Seffion of Affembly, as a full Confideration for printing the Journals of the Houfe of Burgeffes, printing the Laws of each Seffion and fending thirteen of them to every County Court Clerk, one of which to be half bound for the Ufe of the Court, printing Infpectors Notes and Books, Proclamations, and other publick Advertifements.

Ordered, That the faid Refolve be engroffed, and that Mr *Attorney* do carry it up to the Council for their Concurrence.

A *Petition* of the Minifters and Veftries of the Parifhes of *St. Mark* and *Bromfield*, in the County of *Culpeper*, praying that the faid Parifhes may be divided into three diftinct Parifhes, was prefented to the Houfe and read, and referred to the Confideration of the next Seffion of Affembly.

On

On the *Petition* of *James Galt*, Keeper of the publick Gaol, praying a Continuance of his former Salary,

Resolved, That the additional Sum of £ 15 be paid to the said *James Galt*, over and above his usual Salary of £ 25 per Annum.

Resolved, That 10 lbs. of Tobacco a Day be allowed to the said *James Galt*, for every Criminal committed to the said Gaol, during such Criminal's Imprisonment, from this Time to the End of the next Session of Assembly.

A *Petition* of *John Ramsfey*, setting forth that he enlisted as a Soldier in the *Virginia* Regiment, under the Command of Colonel *George Washington*, in the Year 1754; that in the Engagement at the *Great Meadows* he was taken Prisoner by the Enemy, and remained in Captivity five Years and six Months, during which Time he suffered such Treatment as could only be expected from such merciless Savages; that he returned to *Virginia* in the Year 1761, and enlisted in the last *Virginia* Regiment, commanded by Colonel *Stephen*; that he hath received no Part of his Pay for the five Years and six Months he was in Confinement, or any Recompense for his sufferings, and praying the Consideration of the House therein, was presented to the House and read.

Also a *Petition* of *Edward Child*, a Soldier in the *Virginia* Regiment, under the Command of Colonel *Mercer*, setting forth that in Major *Grant's* Defeat, before *Fort Duquesne*, in the Year 1758 he had the Misfortune to lose his Thumb by a Ball, which has rendered his Hand almost useless, and, being overpowered by a greater Number of the Enemy, was, with many others, taken Prisoner, and remained in Captivity twenty one Months and five Days, and at Times during his Confinement underwent great Hardships, and was often severely treated by them; and praying the Consideration of the House therein, was presented to the House and read.

Also a *Petition* of *William Shaw*, late a Sergeant in the first *Virginia* Regiment, setting forth that in the Month of *November* 1756 he was ordered on an Excursion, with some *Catawba* Indians to the *Ohio*, where he and his Party, engaging a much Superior Number of the Enemy, were put to Flight, and after wandering some Time was taken Prisoner by a Party of the Enemy, who to prevent his Escape inhumanly cut off his Toes; that he remained a Captive thirty three Months, during which Time he suffered very severe Hardships; and praying the Consideration of the House therein, was presented to the House and read.

11 Also a *Petition* of *Thomas Branan*, a Sergeant in the *Virginia* Regiment, setting forth that on the 14th of *November* 1758 he was wounded in the Neck by a Musket Ball, in an Action with the Enemy near *Fort Ligonier*, under the Command of Colonel *Mercer*, which has greatly impaired his Eyesight, and renders him incapable of getting a Livelihood as before he entered into the Service; that he has lost several Horses in the Service, for which he hath received no Satisfaction; that in wading the Waters he lost several Things of Value, particularly a silver Watch, and several Papers, and the Receipts for the Horses above mentioned; and praying the Consideration of the House therein, was presented to the House and read.

Also a *Petition* of *Henry Emmerson*, aged 66 Years, an Invalid, setting forth that he hath been nine Years in the Service of this Colony, and is now unable to provide for himself a sufficient Maintenance; and praying some Relief, was presented to the House and read.

Also a *Memorial* of *Charles Smith*, a Lieutenant in the late *Virginia* Regiment, setting forth that he entered into the Service of this Colony in the Year 1754, in the first Troops raised under the Command of Colonel *Joshua Fry*, and continued in the same until the Reduction of the *Virginia* Regiment; that during the Time of his Service for the Defence of his Country he was in all the several Engagements, from the very Commencement to the End of Hostilities, in which the Troops of *Virginia* fought, and he has the Satisfaction to believe he always discharged his Duty and the Trust reposed in him, as he was so fortunate, from a private Soldier, to be promoted to an Ensigny, and at the Time of disbanding the Regiment was the first Lieutenant in the Service, which, as Modesty forbids him to boast of his own Merit, he presumes he has a Right to say

say he obtained by his firm attachment to the Interest of his Country, his Readiness to obey the Commands of his Superiors employed in the noble Cause of its Defence, and Desire to perform, so far as he could be an Instrument, whatever his Abilities could attempt; that your Memorialist, as the most unfortunate Accident he has ever met with in the many Actions he has been, was so unlucky as to lose his Hand, and great Part of his left Arm, by the bursting of a Musket, on his Duty, and there being no further Necessity for his Service in the Cause of his Country, as a most glorious and happy Peace, which, for the Love he bears the Place of his Nativity, he hopes may prove as lasting as it is honourable, is now concluded, although the Prospect exposes him to the most disagreeable Reflection of an Uncertainty of procuring a Livelihood, as his own private Fortune will not support him, and he is unable, from the unlucky Stroke he has felt, to obtain a Subsistence through his own Labour; but as the honourable House has never withheld their Bounty from any Person who has merited their Notice, your Memorialist is not without Hopes that his Case may be considered, and his Fears of Poverty, now but too strongly impressed on his Mind, removed; and praying the Consideration of the House therein, was presented to the House and read.

Ordered, That the several Petitions be referred to the Consideration of Mr *Edmund Pendleton*, Mr *Washington*, Mr *Richard Bland*, Sen. and Mr *George Mercer*; that they examine into the Allegations of the said Petitions, and report the same, with their Opinion thereon, to the House.

A *Petition* of *John Richards*, Gentleman, praying that an Act may pass to enable him to keep a publick Ferry across *Rappahannock* River, to and from the Town of *Leeds*, in the County of *King George*, and to make a Causey and Bridges through the Marsh opposite to the said Town, and that he may receive the Profits thereon so long as he shall keep the said Causey and Bridges in Repair, and that he may have for a Landing for such Ferry 50 Feet square of Ground out of Church Lots in the said Town, in consequence of an Agreement entered into between him and the Trustees and Directors of the said Town of *Leeds*, was presented to the House and read.

Ordered, That a Bill or Bills be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Edmund Pendleton* and Mr *Richard Henry Lee* to prepare and bring in the same. 12

The *Order* of the Day being read for the House to resolve itself into a Committee, to take into their further Consideration the Governour's Speech.

Resolved, That this House will again resolve itself into the said Committee immediately.

Ordered, That the Report concerning the State of the Funds for the Redemption of the Paper Currency be referred thereto.

And then the House resolved itself into the said Committee; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Charles Carter* reported that the said Committee had had the said Speech, together with the several Letters and Papers to the said Committee referred, under their further Consideration, and had gone through the same, and come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where the same were again twice read, and agreed to, with an Amendment, and are as follow:

Resolved, That it appears to this Committee that the Funds established for the Redemption of the Treasury Notes, at the several stated Periods, will be sufficient to effect that Purpose; but that if, by any Accident, they shall happen to fail, any Deficiency ought to be supplied by a new and adequate Tax.

Resolved, That it is the Opinion of this Committee that as the present Possessors of the Treasury Notes have received them under the Faith of a law making them a legal Tender in all Payments, except for his Majesty's Quitrents, to alter that essential Quality of them now would be an Act of great Injustice to such Possessors; and that as the *British* Merchants have constantly received, and under the present Regulations of our Laws will continue to receive, such Notes for their Sterling Debts according to the real
Difference

Difference of Exchange between this Colony and *Great Britain* at the Time of Payment, their Property is so secured as to make such Alteration unnecessary with respect to them.

Resolved, That an Act of Assembly passed at the last Session, entitled, *An Act for Relief of insolvent Debtors, for the effectual Discovery and more equal Distribution of their Estates*, ought to be repealed.

Ordered, That a Bill or Bills be brought in pursuant to the last Resolution; and it is referred to Mr *Charles Carter*, Mr *Bland*, Mr *Edmund Pendleton*, Mr *Wythe* and Mr *Richard Henry Lee*, to prepare and bring in the same.

On a *Motion* made,

Resolved, That an humble Address and Representation be presented to his Honour the Governour, to communicate to him the Resolutions of this House upon the Matters recommended in his Speech, with the Reasons on which those Resolves were founded, and the State of the Funds appointed for the Redemption of the Treasury Notes; and it is referred to the last mentioned Committee to prepare and bring in the same.

On a *Motion* made,

Ordered, That the Treasurer give publick Notice of the Amount of the Treasury Notes in his Hands, from Time to Time, which are to pass current after the 1st of *March* 1765; and that he be required to change those Notes for such as are to sink, and their Currency determine, the said 1st of *March* 1765; and that the Notes so changed be immediately burnt by the Committee appointed for that Purpose.

13 On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To amend an Act, entitled, *An Act for laying an additional Duty on Rum, and other distilled Spirits, not being of the Produce of his Majesty's Sugar Islands*; and it is referred to Mr *Attorney* to prepare and bring in the same.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To amend the several Acts for laying an additional Duty on Slaves, and a Tax on Wheel Carriages, Process, and Ordinary Licenses; and it is referred to Mr *Attorney*, Mr *Harrison*, Mr *Carter*, Mr *Bland*, Mr *Pendleton* and Mr *Richard Henry Lee*, to prepare and bring in the same. And

On a *Motion* made,

Ordered, That it be an Instruction to the last mentioned Committee to receive a Clause or Clauses to deprive the Sheriffs of the Privilege of replevying where their Goods are seized for the Taxes, also to make Provision where Sheriff Bonds are lost.

And then the House adjourned until Tomorrow Morning 11 o'clock.

Wednesday, the 25th of May, 3 Geo. III. 1763.

A Claim of *Joshua Crawford*, praying some Recompense for a Quantity of Timber, and Plank cut down and destroyed, together with a Barn, a Log House, and a Malt Kiln, on his Plantation, where Fort *Ligonier* was erected, to the Damage of £37.9.3.

Also a Claim of *Joshua Powell*, in Behalf of himself and his Company, praying to be allowed 33 Days Pay, amounting to the Sum of £44, for their Services on the Frontiers of *Halifax*, by the Appointment of Colonel *Abraham Maury*, in the Year 1759.

Ordered, That the said Claims be referred to the Consideration of the next Session of Assembly.

A *Petition* of the *Nottoway* and *Nansemond Indians*, praying that they may be enabled, the former to sell about 4000 Acres of their Land, lying below *Buckhorn* Swamp, between *Nottoway* River, *Buckhorn* Road, and a Line to be run from the said Road to *Nottoway* River, opposite to *John Brown's*, and the latter their whole Tract of Land, on the north Side of *Nottoway* River, in the County of *Southampton*, and that an Act may pass

¹ Hening, VII, p. 549.

² *Ibid.*, VII, p. 471.

pafs for that Purpofe, was prefented to the Houfe and read; and the Queftion being put that the faid Petition be referred to a Committee,

It paffed in the Negative.

Resolved, That the faid Petition be rejected.

On a *Motion* made,

Resolved, That an humble Addrefs be prefented to his Honour the Governour, to defire him not to continue any Sheriff in Office for a longer Time than one Year, during the Continuance of the Laws by which Taxes are impofed for the Redemption of the Treafury Notes, where it fhall be fignified to him that fuch Sheriff has failed to pay the Quitrents and Taxes at the Time appointed by Law, whereby great Inconveniences in ferving Executions on Judgments againft the Sheriff for the faid Taxes will be prevented.

Ordered, That Mr *Bland* do wait on his Honour with the faid Addrefs.

A *Bill* For altering the Court Day of the County of *Stafford* was read a fecond Time, and committed to Mr *Cary*, Mr *Thomas Lee* and Mr *Eppes*.

On a *Motion* made,

Ordered, That the faid Committee receive a Clause or Claufes To alter the Court Day¹⁴ of the County of *Chefterfield*.

A *Bill* For further continuing and amending the A^ct, entitled, *An A^ct for the better regulating and collecting certain Officers Fees, and for other Purpofes therein mentioned*, was read a fecond Time.

Ordered, That the faid Bill be engroffed, and read a third Time.

A *Petition* of divers Freeholders, and other Inhabitants, of the County of *Fredrick*, praying that the faid County may be divided, by a Line to be run from *Afhby Gap*, a ftraight Courfe, until it interfects the *Hampfhire* Line, and that an A^ct may pafs for that Purpofe, was prefented to the Houfe and read.

Alfo four *Petitions* from the faid County, in Oppofition thereto.

Alfo a *Petition* of divers Inhabitants of that Part of the County of *Halifax* fituated on *Hycó* River, praying that the Water Grift Mill built near the mouth of the faid River, in the Year 1761, by *James Hembrie*, and now in the Poffeffion of one *Howard Huft*, may be difcontinued, the fame being a great Obftruction to the Paffage of Fifh up the faid River, which wholly deprives the Petitioners of the Advantage of that Support for their Families, and that an A^ct may pafs for that Purpofe, was prefented to the Houfe and read.

Alfo a *Petition* of *James Hughes*, of the County of *Augufta*, Planter, praying to be reimbursed the Sum of £10. 19. 8. being the Amount of a Judgment and Cofts obtained againft him in the Court of the faid County, in the Year 1759, by one *Anderson*, of the faid County, in Confequence of his having impreffed two of his Horfes for the Ufe of the Frontier Batallion, notwithstanding they were valued and delivered according to Law, and he had a Warrant from one of his Majefty's Juftices of the Peace of the faid County for fo doing, was prefented to the Houfe and read.

Ordered, That the faid Petitions be referred to the Confideration of the next Seffion of Affembly.

And then the Houfe adjourned until Tomorrow Morning 11 o'Clock.

Thursday, the 26th of May. 3 Geo. III. 1763.

A *Petition* of the Minifters, Churchwardens, Veftrymen and others, Inhabitants of the Parifhes of *Elizabeth River*, *Portfmouth* and *St. Bride's*, in the County of *Norfolk*, fetting forth that great Inconveniences arife in the Execution of the Law paffed in the firft Year of his prefent Majefty's Reign, by which the Lands and Slaves devised by the Will of *Matthew Godfrey*, deceased, to the Poor of the faid County, were vefted in the Truftees of the faid County, to be hired out; in as much

¹ Hening, VII, p. 326.

much as there is no Person to take Care of the said Slaves when sick, or the Females when they are lying in, and Disputes often arise between the said Vestries about the Division of their Hire, and taking Care of the said Slaves; and praying that an Act may pass for making Partition of the said Slaves among the said Parishes, and that the said Land, with the Appurtenances, may be valued by disinterested Persons, and the Property thereof vested in the Vestry of the Parish of *Elizabeth River*, for the Use of the Poor of the said Parish, on their paying to the Vestries of the other two Parishes their Proportion of such Valuation, according to the Number of Tithables in each of the said Parishes; and that the Money so paid may be laid out in other Lands, and be appropriated to the Use of the poor of the said Parishes; was presented to the House and read.

¹⁵ *Ordered*, That the said Petition be referred to the Consideration of the next Session of Assembly.

An engrossed *Bill*, entitled, *An Act for further continuing and amending the Act, entitled, An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*, was read a third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *Bland* do carry up the said Bill to the Council for their Concurrence.

Mr *Cary* reported that the Committee to whom the Bill To alter the Court Day of the County of *Stafford* was committed had made some Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

A *Petition* of the Mayor, Recorder, Aldermen, Common Council, and other Inhabitants, of the Borough of *Norfolk*, setting forth that frequent Robberies have of late been committed in the said Borough, to the great Loss of the Inhabitants, chiefly owing to the Want of a regular Watch; and praying that an Act may pass to enable the Common Hall of the said Borough to assess such Taxes, from Time to Time, on the Inhabitants thereof, as shall be sufficient for keeping and supporting a nightly Watch, and also for erecting Lamps, within the Limits of the same, was presented to the House and read.

Ordered, That a Bill or Bills be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Hutchings*, Mr *Cary* and Mr *Attorney*, to prepare and bring in the same.

Mr *Charles Carter*, from the Committee appointed, presented to the House, according to Order, a Bill To repeal an Act, entitled, *An Act for Relief of insolvent Debtors, for the more effectual Discovery and more equal Distribution of their said Estates*; and the same was read the first Time, and ordered to be read a second Time.

Mr *Attorney*, from the Committee appointed, presented to the House, according to Order, a Bill To amend an Act, entitled, *An Act for laying an additional Duty on Rum and other distilled Spirits, not being of the Produce of his Majesty's Sugar Islands*; and the said Bill was read the first Time, and the Question being put that the same be read a second Time,

It passed in the Negative.

Resolved, That the said Bill be rejected.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To reduce the Duties on Northern Rum, and it is referred to Mr *Richard Henry Lee* to prepare and bring in the same.

A *Petition* of sundry Inhabitants of the County of *Hampshire*, praying that an Act may be passed granting a Premium to encourage the killing of Wolves in that and the neighboring Counties on the Frontiers of this Colony, that a Pest so numerous and destructive to their Stocks may be put an End to, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the next Session of Assembly.

Mr

¹ Hening, VII, p. 645.

² *Ibid.*, VII, p. 549.

³ *Ibid.*, VII, p. 471.

Mr *Charles Carter* presented to the House, according to Order, a Bill To amend the several Acts for laying an additional Duty on Slaves, and a Tax on Wheel Carriages, Process, and Ordinary Licenses; and the said Bill was read the first Time, and ordered to be read a second Time. 16

Mr *Edmund Pendleton* presented to the House, according to Order, a Bill To empower *John Richards*, Gentleman, to keep a Ferry to and from the Town of *Leeds*, in the County of *King George*; and the said Bill was read the first Time, and ordered to be read a second Time.

Mr *Grymes* presented to the House, according to Order, a Bill For amending the Act, entitled, *An Act for enlarging the Towns of Frederickburg and Winchester, the City of Williamsburg, and Town of Dumfries, and for other Purposes therein mentioned*; and the said Bill was read the first Time, and ordered to be read a second Time.

On a Motion made,

Ordered, That Leave be given to bring in a Bill For giving the Sheriffs a more effectual Remedy against their Under Sheriffs and Securities, for Monies received by them for his Majesty's Quitrents, and on Executions and other Process; and it is referred to Mr *Henry Lee* to prepare and bring in the same.

Mr *Hutchings* presented to the House, according to Order, a Bill To empower the Common Hall of the Borough of *Norfolk* to assess such Taxes, from Time to Time, on the Inhabitants thereof, as shall be sufficient for keeping and supporting a nightly Watch, and erecting Lamps, within the Limits of the same; and the said Bill was read the first Time, and ordered to be read a second Time. And

On a Motion made,

The said Bill was read a second Time, and committed to Mr *Bradley* and Mr *Hutchings*.

On a Motion made,

A Bill To empower *John Richards*, Gentleman, To keep a Ferry to and from the Town of *Leeds*, in the County of *King George*, was read a second Time, and some Amendments were made thereto.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

On a Motion made,

A Bill For amending the Act, entitled, *An Act for enlarging the Towns of Frederickburg and Winchester, the City of Williamsburg, and Town of Dumfries, and for other Purposes therein mentioned*, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A Petition of *James Walker*, setting forth that he was a Lieutenant in the Frontier Battalion in the Year 1759, and recruited 60 Men for the said Battalion, and was only allowed 15s. a Man for recruiting, and 8d. a Day for Subsistence; that he hath been informed that the Officers have since been allowed 30s. a Man, and 1s. a Day for recruiting Expenses and Subsistence; and praying the Consideration of the House therein, and that his Allowance may be made adequate to theirs, was presented to the House and read.

Also a Petition of *Henry Darnell*, praying that he may be allowed for three Recruits, who, being taken sick upon the Road before they arrived at the Place of Rendezvous, were refused by the Commander, as unfit for the Duty they were intended for, was also presented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the next Session of Assembly.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Friday

Friday, the 27th of May, 3 Geo. III. 1763.

M^R *Bland* reported that he had, according to Order, waited on his Honour the Governour with the Address of this House, to desire him not to continue any Sheriff in Office for a longer Time than one Year, agreeable to a Resolution of the House of *Wednesday* last; and that his Honour was pleased to say he would consider the Matter, and return an Answer to the said Address.

Mr Richard Henry Lee presented to the House, according to Order, a Bill To reduce the Duty on Northern Rum; and the said Bill was read the first Time, and ordered to be read a second Time. And

On a Motion made,

The said Bill was read a second Time, and committed to *Mr Richard Henry Lee*, *Mr Bradley* and *Mr Wythe*.

A Message from the Council was delivered by *Mr Wallthoe*.

That they have agreed to the Bill, entitled, An Act¹ for further continuing and amending the Act, entitled, An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned.

Mr Henry Lee presented to the House, according to Order, a Bill For giving the Sheriffs a more effectual Remedy against their Under Sheriffs, and Securities, for Monies received by them for his Majesty's Quitrents, and on Executions and other Process; which was read the first Time, and ordered to be read a second Time.

A Petition of *John Gregg*, by his Guardian *John Baylis*, setting forth that by an Act of Assembly passed last Session, for the Removal of *Occoquan* Inspection to *Colchester*, the said *Gregg* suffered considerable Damage, he having sunk a large Sum of Money in building and repairing several Warehouses for the Reception and Security of Tobacco there, which the said Law has rendered useless and unprofitable to him; and praying the Consideration of the House therein, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the next Session of Assembly.

An engrossed Bill, entitled, An Act² for altering the Court Days of the Counties of *Stafford* and *Chesterfield*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That *Mr Richard Henry Lee* do carry up the said Bill to the Council for their Concurrence.

Mr Attorney informed the House that his Honour the Governour would comply with the Address of this House relative to the Continuance of Sheriffs in Office.

A Petition of *Daniel Hutchings*, Master of the Packet Boat between *Norfolk* and *Williamsburg*, praying that the said Packet may be established by Act of Assembly, and that he may be appointed Keeper thereof, and that no other Person may exercise the said Business, was presented to the House and read; and the Question being put that the said Petition be referred to a Committee,

It passed in the Negative.

Resolved, That the said Petition be rejected.

Mr Pendleton reported that the Committee to whom the Petitions of the Officers and Soldiers of the late *Virginia* Regiment were referred had examined into the Allegations thereof, and found them to be true, and agreed upon a Report, and come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again read, and are as follow:

On Consideration of the Memorial of Lieutenant *Charles Smith*, that he had received a Wound in the Service of the Colony, by which he lost his left Hand, and Part of his Arm,

Resolved, That the Allegations of the said Memorial are true, and that the said *Charles Smith* ought to be allowed the Sum of £40 a Year during his Life, towards his Support.

On

¹ Hening, VII, p. 645.

² Ibid., VII, p. 656.

On Consideration of the *Petition* of Lieutenant *Thomas Gift*, that he had in the Service of the Colony received a Wound in his right Hand, which has almost deprived him of the Use thereof,

Resolved, That the Allegations of the said *Petition* are true, and that the said *Thomas Gift* ought to be allowed the Sum of £40 a Year during his Life, towards his Support.

On Consideration of the *Petition* of Sergeant *William Shaw*, setting forth that in an Engagement with the *Indians*, in the Year 1756, he was taken Prisoner, and to prevent his Escape had his Toes cut off from both his Feet, the Wounds of which still remain unhealed, and are very painful to him, whereby he is rendered incapable of maintaining himself; that he had eight Months Arrears of Pay due to him when taken, and continued a Prisoner for 33 Months, his Pay for which Time amounted to £82; that on his *Petition* to this House, in *February* 1759, he was allowed the Sum of £60, which was £22 short of his Pay; and he is now without any Allowance for his Support, and incapable of maintaining himself;

Resolved, That the Allegations of the said *Petition* are true, and that the said *William Shaw* ought to be paid the said Sum of £22 by the Publick, and be allowed £10 a Year during his Life, for his Support.

On Consideration of the *Petition* of *Henry Emmerson*, it appears to the Committee that he was enlisted in the Year 1754, and continued in the Service, and behaved well, until the Forces were disbanded, and is now of such an advanced Age, and so infirm, that he does not appear to the Committee to be capable of working for his Livelihood.

Resolved, That the said *Henry Emmerson* ought to be allowed the Sum of £5 a Year during his Life, towards his Support.

On Consideration of the *Petition* of *Edward Childs*, setting forth that he had received a Wound in his left Hand, by which he entirely lost his Thumb, and that his Hand was thereby almost rendered useless; that he was taken Prisoner by the *Indians* in Colonel *Grant's* Engagement, and detained as a Prisoner twenty Months, during which Time he sustained great Hardships; it appears to the Committee that the said Allegations are true, and that the Petitioner, on Application to this House in *October* 1760, was allowed only his Pay during the Time of his Captivity.

Resolved, That the said *Edward Childs* ought to be allowed the Sum of £5 a Year during his Life, towards his Support.

On Consideration of the *Petition* of *John Ramsay*, it appears to the Committee that he was in the Service as a Soldier in the Battle at the *Great Meadows* in 1754, where he behaved in a cowardly dastardly Manner, and that he with great Difficulty was some Time kept in the Ranks; that at Length he quitted them through Fear, but was again brought back, and at last he was missing; but as the Troops were overpowered by Numbers, and obliged to retreat, it does not appear whether he was taken Prisoner, or voluntarily surrendered himself, or fled to the Enemy; that he was in the Regiment at the Time of its being disbanded; that he was absent from the Colony five Years and six Months, from the Day of the Engagement at the *Meadows*, his Pay for which Time would amount to £66, no Part of which he has received.

Resolved, That it is the Opinion of this Committee that the said *Petition* be rejected.

On Consideration of the *Petition* of *Thomas Branam*, praying to be allowed for two Horses impressed into the Service, and never returned to him; for the Hire of another Horse, for eight Days; for his Pay as Sergeant, for six Months; and some Provision for his Support, in Consideration of a Wound he received in his Neck in the Service; it appears to this Committee that the said *Branam* received a Wound in the back Part of his Neck, but how it affects him does not appear to us, otherwise than as he alleges the same is prejudicial to his Sight.

Resolved, That the said *Thomas Branam* ought to be allowed the Sum of £10, as a Recompense for his said Wound.

Resolved, That the Residue of the said *Petition* ought to be rejected, for Want of Proof of its Allegations.

The *second* Resolution being twice read, was disagreed to by the House.

The *first, third, fourth, fifth, sixth, seventh* and *eighth*, Resolutions being also twice read, were agreed to.

Ordered, That the said Resolves be engrossed, and that M^r *Edmund Pendleton* do carry them up to the Council for their Concurrence.

M^r *Richard Henry Lee*, from the Persons to whom the Bill For reducing the Duties on Northern Rum was committed, reported that they had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to by the House.

Ordered, That the Bill with the Amendments be engrossed, and read a third Time.

On a *Motion* made,

Resolved, That Lieutenant *Thomas Gift* be allowed by the Publick £35 a Year during his Life, towards his Support.

Ordered, That the said Resolve be engrossed, and that M^r *Pendleton* do carry it to the Council for their Concurrence.

A *Petition* of *Edward Hubbard* and *James Gunn*, Captains of two Companies of Artificers employed on the Works of *Pittsburg*, praying to be allowed some additional Pay for their extraordinary Diligence therein, was presented to the House and read.

Ordered, That the said *Petition* be referred to M^r *Archibald Cary*, M^r *Benjamin Cocke*⁴ and M^r *Mercer*; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

An engrossed *Bill*, entitled, *An Act for enlarging the Towns of Fredericksburg and Winchester, the City of Williamsburg, and Town of Dumfries, and for other Purposes therein mentioned*, was read a third Time.

Resolved, That the said *Bill* do pass.

Ordered, That M^r *Grymes* do carry it up to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act to empower John Richards, Gentleman, to keep a Ferry to and from the Town of Leed's in the County of King George*, was read a third Time.

Resolved, That the said *Bill* do pass.

²⁰ *Ordered*, That M^r *Edmund Pendleton* do carry it up to the Council for their Concurrence.

A *Bill* For continuing and appropriating the additional Duty on Slaves, and the Tax on Wheel Carriages, Ordinary Licenses, and original Process, and for other Purposes therein mentioned, was read a second Time.

Ordered, That the said *Bill* be engrossed, and read a third Time.

Ordered, That M^r *Attorney* and M^r *Cary* be added to the Committee to whom the Bill To empower the Common Hall of the Borough of *Norfolk* to assess such Taxes, from Time to Time, on the Inhabitants thereof, as shall be sufficient for keeping and supporting a nightly Watch, and erecting Lamps, within the Limits of the same, is referred.

A *Bill* To repeal the Act, entitled, *An Act for Relief of insolvent Debtors, for the effectual Discovery and more equal Distribution of their Estates*, was read a second Time.

Ordered, That the said *Bill* be engrossed, and read a third Time.

On a *Motion* made,

A *Bill* For establishing a better Method of appointing Sheriffs, was read a second Time.

Ordered, That the said *Bill* be engrossed, and read a third Time.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Saturday, the 28th of May. 3 Geo. III. 1763.

A *Petition* of *John Terrier*, of the County of *King George*, praying to be allowed some Compensation for the Ravages committed by the *Virginia* Regiment during their Encampment on his Plantation, in the Year 1762, to a large Amount, was presented to the House and read, and referred to the Consideration of the next Session of Assembly.

On

¹ Hening, VII, p. 314.

² *Ibid.*, VII, p. 657.

³ *Ibid.*, VII, p. 549.

⁴ Evidently intended for Bowler Cocke of Henrico, as the name of Benjamin Cocke does not appear in the list of Burgeffes.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For altering the Court Day of the County of *Gloucester*, and it is referred to Mr *John Page* to prepare and bring in the same.

An engrossed *Bill*, entitled, *An Act to reduce the Duty on Northern Rum*, was read a third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *Richard Henry Lee* do carry up the said Bill to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for giving the Sheriffs a more effectual Remedy against their Under Sheriffs, and Securities, for Monies received by them for his Majesty's Quitrents, and on Executions and other Procefs*, was read a third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *Henry Lee* do carry up the said Bill to the Council for their Concurrence.

Mr *Page* presented to the House, according to Order, a Bill For altering the Court Day of the County of *Gloucester*, which was read the first Time, and ordered to be read a second Time.

An engrossed *Bill*, entitled, *An Act to repeal an Act, entitled, An Act for Relief of insolvent Debtors, for the effectual Discovery and more equal Distribution of their Estates*, was read a third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *Charles Carter* do carry up the said Bill to the Council for their Concurrence.

Mr *Charles Carter* reported that the Committee appointed had, according to Order, ²¹ prepared an Address and Representation to his Honour the Governour; which he read in his Place, and then delivered in at the Table, where the same was again twice read, and agreed to by the House, as follows:

Sir,

Your Honour having, with your accustomed Candour and Goodness, communicated to us the Complaint of some London Merchants trading to this Colony to the Right Honourable the Lords of Trade and Plantations, and their Lordships Resolutions thereupon, we took the same under our serious Consideration, and find ourselves under the Necessity of vindicating the Integrity and Uprightness of our Proceedings, every Way, in our Opinion, consistent with our Duty to our King, and the true Interest of our Country.

Our Dependence upon Great Britain we acknowledge and glory in as our greatest Happiness and only Security; but this is not the Dependence of a People subjugated by the Arms of a Conqueror, but of Sons sent out to explore and settle a new World, for the mutual Benefit of themselves and their common Parent: It is the Dependence of a Part upon one great Whole, which, by its admirable Constitution, diffuses a Spirit of Patriotism that makes every Citizen, however distant from the Mother Kingdom, zealous to promote its Majesty and the publick Good.

By such a Spirit, and by such Principles, Sir, hath our Conduct ever been influenced; and we hope we may, without Arrogance, take this Character to ourselves, since our late and present Sovereigns have been pleased frequently to bestow it upon us for the Part we took in the late War, when we did, as far as we were able, contribute to the Success of the British Arms.

This Conduct, though it hath received the royal Approbation, a Reward adequate to our warmest Wishes, hath nevertheless involved us in a great Debt; which, as it was created for the noblest Purpose, we should cheerfully sustain, if the Merchants had not raised a most unreasonable Clamour against our Paper Bills of Credit: In the Emissions of which, when a true and particular State of the Facts shall be laid before you, and the Matter rightly understood, we doubt not a Zeal so well intended will rather be imputed to us as meritorious than liable to any Exception.

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¹ Hening, VII, p. 646.

² *Ibid.*, VII, p. 648.

³ *Ibid.*, VII, p. 643.

The Memorial, we are concerned to find, is supported by a Protest of some of his Majesty's Council here. We would leave this Protest to its Repose, until Posterity, for whom it is said to have been designed, should think it worth a Perusal, had it not been communicated by the Authors of it with a View to alarm the trading Interest, and applied to Purposes, and produced Effects, which we hope the Protesters themselves did not intend; but since that hath raised the Apprehensions of the Memorialists, and instigated them to solicit the Interposition of the Right Honourable the Board of Trade, we must do Justice to ourselves by examining the Grounds of it. It is alleged "that the Want of a sufficient Quantity of circulating Money was at first the Pretence of issuing Paper Bills of Credit." This is supposed to have meant, as it was understood, to insinuate that these Emissions were to answer private Purposes; but, if it be remembered that all our neighbouring Colonies had long before adopted, and most of them repeated, the Expedient of Paper to supply the Want of Specie in Time of Peace, but that we did not follow their Example before the last War, after all our Treasure was anticipated, and that even then we chose at first to borrow £10,000 granted for his Majesty's Service, at the high Interest of six per Centum, and never, until after that Resource failed, ²² went into a Measure so little relished, and always, except in one Instance of trifling Consequence, confined the Amount of the Notes to the Money granted: If these notorious Truths are admitted, we leave it to the Judgment of the Disinterested whether at such a Crisis, when an actual Invasion threatened, if not timely and vigorously opposed, our total Extermination, the powerful Principle of Self Preservation, co-operating with the Requisitions of a most gracious Sovereign, are not sufficient to acquit us of any sordid or unjust Motives.

It is said in the Protest "that the Apprehensions of the Mischiefs that must be the Consequence of issuing more Paper Money were sufficiently warranted by the acknowledged Deficiency of the Taxes for sinking what had issued, a Deficiency so alarming to a preceding Assembly that it astonished the Warmest Advocates for Paper Money." By whom this acknowledgment was made, or what Part of the Assembly was alarmed at it, we know not; but this we know, and do assert, that there are no warm Advocates for Paper Money among us, further than to preserve the Credit of what hath been issued, and prevent the evil Consequences of stopping its Circulation at this Time; and that no such Deficiency ever appeared, or was alarming to, or acknowledged by us.

Indeed, upon Examination of the Treasurer's Accounts, it appeared that many Sheriffs had not paid in the Taxes received by them, and therefore so much Money was not annually burnt as was intended by the Laws. This raised the Resentment of the House against these Officers, and consistently with their uniform Intentions to use every Method for enforcing regular Collections of the Taxes, and sinking annually the due Proportion of this Paper they ordered the Sheriffs in Arrears to be prosecuted on their Bonds, which, as our Laws have provided a speedy Remedy against them, and they give sufficient Security, hath already brought in a considerable Part of those Arrears, and will, we hope, remove all Cause of Complaint on that Account. But this Neglect in the Officers is very distinguishable from an Insufficiency in the Taxes, which we never doubted were sufficient, if properly collected, to effect the Purpose of Redemption; and we are now confirmed in this Opinion, by a full State of the Notes in Circulation, and of the Taxes, which we have caused to be truly drawn, and annexed hereto, for the Satisfaction of your Honour, and every Person concerned.

From this it will appear that the dissenting Members of the Council were betrayed into a too hasty Assertion of these Facts, by a Warmth arising from a Difference of Opinion about the Utility of the Law whereto their Protest related; of which we will now take Leave, and proceed to the Consideration of the Memorial itself, and the Resolutions of the Right Honourable the Board of Trade thereupon.

Our Reasons for not providing at this Time for the supposed Deficiency in our Taxes, will appear from what is before set forth; but to express, what we always conceived, that our publick Faith is engaged to supply any accidental Failure in those Taxes, we have upon this Point come to the following Resolution:

"Resolved, That it appears that the Funds established for the Redemption of the Treasury Notes, at the several stated Periods, will be sufficient to effect that Purpose; but that if, by
any

any Accident, they shall happen to fail, any Deficiency ought to be supplied by a new and adequate Tax."

The next Thing pointed out to us is the declaring these Notes not a legal Tender in Payment of Sterling Debts, but that they may be received by such Creditors only as are willing to accept them, and then not at their nominal Value, but according to the real Difference of Exchange between such Paper Bills and Sterling Money at the Time of Payment.

In entering upon this Consideration we encounter a Charge which very deeply affects us, that we have been wanting in a proper Respect to the Crown, as well as in Justice to the British Merchants, in refusing to comply with what was recommended by his late Majesty's Instruction of the 31st of January, 1759: When that Instruction was communicated to us by your Honour, we considered it with the Attention and Regard due to whatever comes from the Throne; but, as we must be allowed to judge for ourselves, so far as our Sanction is necessary to any Law, and could not be convinced that the Measure proposed was proper, we did indeed decline to pass such a Law, but at the same Time, in an humble Address and Representation to his Majesty, modestly set forth the Reasons of our Conduct, which we presumed to hope would preserve us from the Imputation of Disrespect to the Crown, and from the royal Displeasure. And as we heard of no further Complaints from the British Merchants on this Subject, from that Time until the Meeting of this Session, we concluded they were satisfied of our Intentions to do them Justice; and we can venture to say that had we known our Reasons were not satisfactory, it would have prevented several subsequent Emissions, and particularly the last, which gave Rise to the present Complaint.

The Memorialists allege that Exchequer Bills and Notes of the Bank of England were not made legal Tender in Payment of Debts, although they are upon a better Establishment than our Notes, and deduce an Argument from thence against ours being declared such Tender, not considering, as we conceive, the true Distinction in the Cases. The Notes of the Bank of England, circulated upon Stocks of Specie, deposited to answer Payments when demanded, were not forced upon any Person, nor was it necessary: There was no Doubt of their answering every local Purpose of Money; and when in the Case of Remittances to foreign Countries Specie became necessary, as they could obtain that for their Notes, no possible Fear could prevent the willing Receipt of them, and make a Law to compel an Acceptance proper. We cannot deny but this makes that Kind of Paper preferable to ours, and we should gladly have pursued so eligible a Plan, if our Circumstances would have admitted it; but when it is considered that the Want of Specie, which had been drawn away by the Armies to the Northward, was the sole Cause of issuing our Notes, there will require no other Reason to be assigned for our not circulating them upon the Footing of Bank and Exchequer Notes. We had therefore no other Method than to emit these Notes to circulate as Money for a short limited Time, and to impose such Taxes as should effectually procure their Return to the Treasury, or Gold and Silver sufficient to redeem them by the Time appointed. And since we were to force them as Money upon our Army, and those who furnished them with Necessaries, we conceive it would have been very unjust to have left their Creditors at Liberty to take it of them or not; and the same Injustice must have happened wherever it had been stopped. We therefore thought ourselves obliged not only to give it that essential Quality of Money, to make it a legal Tender in all Payments, but to add several other Restrictions, to preserve its Credit, and prevent the Designs of the Avaritious to depreciate it for their private Gain.

But at the same Time we considered how the Interest of the British Merchants might be affected by this Money, and, at least as far as was in our Power, if not effectually, secured that from Injury.

We ever considered ourselves as under an Obligation to discharge our Debts contracted in Great Britain, either in Sterling Money or foreign Coin, received by Consent of the Creditor, or his Attorney here, at such a Rate for the Difference of Exchange as would place the Money in Great Britain without loss. If the Creditor and Debtor could not agree about this Difference, as Reference to Arbitration, or to the Courts of Justice, was the only regular Method of settling it between them. But as the Demand, and in Consequence the Judgment, was for Sterling Money, and until the Year 1748 there was no Law directing at what Rate

of Exchange Sterling Debts should be discharged, the Consequence was that the Sheriffs, when they levied Money by Executions on Judgments for Sterling, demanded what Exchange they thought proper, to the great Oppression of the Debtor, and without any Advantage to the Creditor. The Assembly then thought proper to put a Stop to such unjust Proceedings, and, by the Act, entitled, An Act declaring the Law concerning Executions, and for Relief of insolvent Debtors, directed such Executions for Sterling Money to be levied at 25 per Centum, the real Difference of Money, and the then Difference of Exchange. The British Merchants complained of this Act, and represented that they might be considerable Losers when Exchange should rise above 25 per Centum, which the Assembly took into their Consideration, and endeavoured to provide a Remedy for. They knew that, as Exchange is fluctuating, they could not do Justice by fixing it to any certain Standard; and therefore, by the subsequent Law taken Notice of in the Memorial, they empowered the Courts, where Sterling Judgments should be obtained, to settle at what Rate of Exchange the same should be discharged, which they conceived would enable the British Creditor to place his Money there without Loss, as it was not doubted but the Courts would be governed by the highest Exchange given at the Time for Bills drawn payable in Britain.

But the Memorialists say, this is not an ample Security of their Property against the evil Consequences of Paper Money being declared a Tender for their Debts. We will beg Leave to consider their Reasons, in Support of this Assertion in the Order they have mentioned them:

The first is, they are advised that the Law of 1748 is still in Force, having received the royal Assent, which the amending Law could not obtain, as the former remained unrepealed. This amending Law is not suspended for his Majesty's Approbation, but, from the Terms of it agreeable to the royal Instructions, was in Force from the Time of its passing here until his Majesty shall declare his Dissent and Repeal thereof; which not having happened, and the Courts here allowing the Force of that amending Law, and acting according to the Spirit thereof, we conceive it would have been more for the Interest of the Memorialists to have solicited his Majesty's Approbation of that Law, if they thought it necessary, than to have founded Objections on its not being in Force; and if the royal Dissent, or any Determination here, that the Law was not in Force, had turned to their Prejudice, they then might have complained with Reason on this Head.

The next Objection to this Remedy is, that it is left to the Colony Judges to settle the Exchange upon Sterling Judgments in such Manner as they shall think reasonable and just, which they say is introducing a Mode and Form of Justice unheard of in the British Realm. We have before observed that when we have not Sterling Money to pay Debt due in Great Britain, the Debtor is left to compound with his Creditor for Payment in foreign Coin, or Treasury Notes, at such Rate of Exchange as they can agree on; if a Dispute shall arise on that Head, which they cannot adjust between themselves, to whom can it be referred, but as all other Disputes are, to the Courts of Justice, the true constitutional Resort? And we cannot discover what the Memorialists men by calling this a new Mode of Justice, unless it be
 25 that the Point should be tried by a Jury, and not by the Courts, in which, if we erred, it was from a mistaken Opinion that the latter would prove in this Instance the most competent and impartial Judges. And as the Courts have constantly, in the Exercise of this Power, allowed the highest Rate of Exchange, as settled by the general Consent of all the Traders, at which Bills of Exchange upon Great Britain were sold at the Time, we humbly insist that Sterling Debts are virtually paid in Treasury Notes, not according to their nominal Value, but according to the real Difference of Exchange between them and Sterling Money.

But it is said, Experience hath shown, in many Instances, this Mode to be insufficient, in as much as the Exchange hath risen, between the Time of the Orders of Court and a Possibility of the Creditors obtaining a Remittance, to his Disadvantage. We allow there have been such Instances, but we must be permitted to say the Disadvantage hath hitherto been small and inconsiderable, of a casual Nature, against which no human Laws can provide, and for which therefore we cannot suggest a Remedy; and the Injuries sustained will be fully compensated by the Advantages the Creditors must inevitably receive, in the same Proportion, from the present declining State of Exchange. By the Method proposed, instead of this
 objected

objected to, the Creditor is at Liberty to refuse this Paper unless paid him at such Rate of Exchange as he is pleased to demand; and we submit to all Mankind to determine which is most liable to Objection, to refer the Decision to disinterested Judges, under the Obligation of an Oath, to do equal and impartial Justice, or to the Creditor, under the Temptation of Interest, to take Advantage of his Debtor's Necessity, and extort such Difference as might be very oppressive, which we conceive would directly tend to destroy the Credit of our Paper Money, and introduce the greatest Mischiefs.

We hope we have fully explained the Justice and Necessity of having made these Notes a Tender in all Payments, guarding as we did the Interest of the Sterling Creditors; and if this was originally right, every Argument must doubly militate against an Alteration at this Time in this essential Point: For, when these Notes have been allowed to circulate several Years, and the present Possessors have received them under the Faith of a Law which obliged their Creditors to take them in the same Manner, to take away that Obligation, and to stop the Paper in their Hands, would be an Act of Injustice, which, in our Opinion, bears no Proportion to any possible Injury the Sterling Creditors sustained, or can receive, from continuing the Notes on their present Footing.

For these Reasons, after the most mature Deliberation, we cannot alter our former Opinion, and have come to the following Resolution:

"Resolved, That as the present Possessors of the Treasury Notes have received them under the Faith of a Law making them a legal Tender in all Payments, except for his Majesty's Quitrents, to alter that essential Quality of them now would be an Act of great Injustice to such Possessors; and that as the British Merchants have constantly received, and under the present Regulations of our Laws will continue to receive, such Notes for their Sterling Debts, according to the real Difference of Exchange between this Colony and Great Britain, at the Time of Payment, their Property is so secured as to make such Alteration unnecessary with Respect to them."

Ordered, That the said Address and Representation be fairly transcribed, and presented by the Committee who prepared it, together with the State of the Funds for the Redemption of the Treasury Notes.

An engrossed Bill, entitled, *An Act for continuing and appropriating the additional Duty on Slaves, and the Taxes on Wheel Carriages, Ordinary Licenses, and original Procefs*, was read a third Time. 26

Resolved, That the said Bill do pass.

Ordered, That Mr Edmund Pendleton do carry it up to the Council for their Concurrence.

On a Motion made,

The Bill For altering the Court Day of the County of Gloucester, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

On a Motion made,

Resolved, That the several Sums following be paid to the several Officers of the General Assembly, respectively:

To <i>John Randolph</i> , Esq; Clerk of the House of Burgeffes.....	£ 100	
To <i>Nathaniel Walthoe</i> , Esq; Clerk of the Geeneral Afembly.....	40	
To the Rev. Mr <i>William Yates</i> , Chaplain,.....	20	
To Mr <i>Francis Eppes</i> , Sergeant at Arms,.....	30	
To the Doorkeeper of the Council,.....	6	
To <i>James Lavie</i>	Doorkeepers to the Houfe, {	6
To <i>Nathaniel Hix</i> ..		6
To <i>John Broadrib</i> ..		6
To <i>Thomas Francis</i> ..		6

Ordered, That the said Resolve be engrossed, and that Mr Richard Henry Lee do carry it up to the Council for their Concurrence.

An

An engrossed *Bill*, entitled, *An Act for altering the Court Day of the County of Gloucester*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *John Page* do carry it up to the Council for their Concurrence.

Two *Claims* of *Cornelius Lartham* and *Charles Byrne*, for taking up Runaways therein mentioned, were presented to the House and received, and referred to the Consideration of the next Session of Assembly.

On a *Motion* made,

Ordered, That Leave be given to bring in a *Bill* For paying the Burgeffes Wages in Money for this present Session of Assembly, and it is referred to Mr *Archibald Cary* to prepare and bring in the same.

Mr *Bradley* reported that the Committee to whom the *Bill* To empower the Common Hall of the Borough of *Norfolk* to assess such Taxes, from Time to Time, on the Inhabitants thereof, as shall be sufficient for keeping and supporting a nightly Watch, and erecting Lamps, within the Limits of the same, was referred, had made several Amendments thereto; which he read in his Place, and then delivered the *Bill* with the Amendments in at the Table, where they were again read, and agreed to by the House.

Ordered, That the said *Bill* with the Amendments be engrossed, and read a third Time.

And then the House adjourned until Monday Morning 11 o'Clock.

Monday, the 30th of May, 3 Geo. III. 1763.

AN engrossed *Bill*, entitled, *An Act To empower the Common Hall of the Borough of Norfolk to assess such Taxes, from Time to Time, on the Inhabitants thereof, as shall be sufficient for keeping and supporting a nightly Watch, and erecting Lamps within the Limits of the same*, was read the Third Time.

²⁷ *Resolved*, That the said *Bill* do pass.

Ordered, That Mr *Attorney* do carry it up to the Council for their Concurrence.

Mr *Charles Carter* reported that the Committee appointed had, according to Order, waited on his Honour the Governour with the Address and Representation of this House of *Saturday* last, to which his Honour was pleased to say he would return an Answer in writing.

Mr *Cary* presented to the House, according to Order, a *Bill* For paying the Burgeffes Wages in Money for this present Session of Assembly; which was read the first Time, and ordered to be read a second Time. *And*

On a *Motion* made,

The said *Bill* was read a second Time.

Ordered, That the said *Bill* be engrossed, and read a third Time.

On a *Motion* made,

Ordered, That Leave be given to bring in a *Bill* or *Bills*, For adding fundry Persons to the Committee appointed to correspond with the Agent of this Colony, and it is referred to Mr *Cary* to prepare and bring in the same.

On a *Motion* made,

Resolved, That this House is satisfied with Mr *Abercrombie's* Account, as it is now stated, and that the Committee of Correspondence be directed to write to Mr *Montague* and inform him of the same, and to allow him the £140 which he has charged for procuring his Quietus.

A *Message* from the Council was delivered by Mr *Walthoe*.

That they have agreed to the Bill, entitled, An Act for continuing and appropriating the additional Duty on Slaves, and the Taxes on Wheel Carriages, Ordinary Licenses, and original Procefs.

also

¹ Hening, VII, p. 656.

³ *Ibid.*, VII, p. 639

² *Ibid.*, VII, p. 654.

Also to the Bill, entitled, An Act to repeal an Act,¹ entitled, An Act for Relief of insolvent Debtors, for the effectual Discovery and more equal Distribution of their Estates.

Also to the Bill, entitled, An Act² for altering the Court Day of the County of Gloucester.

Also to the Bill, entitled, An Act³ for altering the Court Days of the Counties of Stafford, and Chesterfield.

Also to the Bill entitled, An Act⁴ for giving the Sheriffs a more effectual Remedy against their Under Sheriffs, and Securities, for Monies received by them for his Majesty's Quittrents, and on Execution and other Procefs.

*Also to the Bill, entitled, An Act⁵ for amending the Act, entitled, An Act for enlarging the Towns of *Fredericksburg* and *Winchester*, the City of *Williamsburg*, and Town of *Dumfries*, and for other Purposes therein mentioned.*

Also to the Bill, entitled, An Act⁶ to reduce the Duty on Northern Rum.

*Also to the Bill, entitled, An Act⁷ to empower *John Richards*, Gentleman, to keep a Ferry to and from the Town of *Leeds* in the County of *King George*.*

Also to the Resolve of this House For Allowing the Officers of the General Assembly the several Sums therein mentioned.

Also to the several Resolves of this House For allowing some of the Officers and Soldiers of the Virginia Regiment the several Sums therein mentioned.

And also that they had passed a Bill, entitled An Act⁸ for establishing a better Method of appointing Sheriffs, to which they desire the Concurrence of this House.

And the said *Bill* was read the first Time, and ordered to be read a second Time.

On a *Motion* made,

The said *Bill* was read a second Time, and ordered to be read a third Time.

A Written *Message* from the Governour was at the same Time delivered by Mr ²⁸ *Walthoe*, as follows:

Mr *Speaker*, and Gentlemen of the House of Burgeffes,

I will transmit the Reasons you have assigned for your Conduct, and the Resolutions you have come to, in your Address of Saturday last, to the Right Honourable the Lords Commissioners for Trade and Plantation Affairs, by the first Opportunity; which I hope, with what you shall further think proper to do to comply with their Lordships Desires, and entirely remove all future Cause of Complaint from the Merchants, will prove fully satisfactory, as well to their Lordships as the Merchants: And I still hope you will further consider this Matter, and take such Measures as will effectually answer all the Ends proposed.

Ordered, That the Committee to examine the enrolled Bills do consist of the following Persons, viz. Mr *Wythe*, Mr *Grymes*, Mr *Bradley* and Mr *John Pendleton*.

A *Bill*, entitled, An Act⁹ for establishing a better Method of appointing Sheriffs, was read a third Time.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Pendleton* do acquaint the Council therewith.

An engrossed *Bill*, entitled, An Act¹⁰ for paying the Burgeffes Wages in Money for this present Session of Assembly, was read a third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Cary* do carry up the said *Bill* to the Council for their Concurrence.

Mr *Cary* presented to the House, according to Order, a *Bill* For adding fundry Persons to the Committee appointed to correspond with the Agent of this Colony, which was read the first Time, and ordered to be read a second Time.

A *Petition* of *Lucy Galt*, praying some Allowance for cleaning the Rooms in the Capitol, appropriated to the Use of the House of Burgeffes, was presented to the House and read.

Resolved

¹ Hening, VII, p. 643.

² *Ibid.*, VII, p. 656.

³ *Ibid.*, VII, p. 656.

⁴ *Ibid.*, VII, p. 648.

⁵ *Ibid.*, VII, p. 650.

⁶ *Ibid.*, VII, p. 646.

⁷ *Ibid.*, VII, p. 657.

⁸ *Ibid.*, VII, p. 643.

⁹ *Ibid.*, VII, p. 643.

¹⁰ *Ibid.*, VII, p. 658

Resolved, That the said *Lucy Galt* be paid by the Publick £5 for the Services in the said Petition mentioned.

On a *Motion* made,

A *Bill* For adding fundry Persons to the Committee appointed to correspond with the Agent of this Colony, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A *Message* from the Council by Mr *Walthoe*.

That they have agreed to the Bill, entitled, An Act¹ to empower the Common Hall of the Borough of Norfolk to assess such Taxes, from Time to Time, on the Inhabitants thereof, as shall be sufficient for keeping and supporting a nightly Watch, and erecting Lamps, within the Limits of the same.

Also to the Bill, entitled, An Act² for paying the Burgeffes Wages in Money for this present Session of Assembly. And

Also to the Resolve For allowing Joseph Royle £350 a Year, for the Purposes therein mentioned.

An engrossed *Bill*, entitled, *An Act³ for adding fundry Persons to the Committee appointed to correspond with the Agent of this Colony*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Cary* do carry up the said Bill to the Council for their Concurrence.

29

Mr *Cary*, from the Persons appointed, reported that they had had under their Consideration the Petitions of *Edward Hubbard* and *James Gunn* to them referred, and had agreed upon a Report, and come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

On Consideration of the said *Petitions*, it appears that the said *Edward Hubbard* and *James Gunn* were Captains of Companies of Artificers established by Act of Assembly in the Year 1759; that they were employed the Campaign under General *Stanwix* from the 1st of June to the 10th of December, when they were disbanded at *Winchester*; and that they have not received the usual additional Pay of Artificers for the Time above mentioned.

Resolved, That the Consideration of the said Petition, so far as it relates to the Claim of *Edward Hubbard* for the said additional Pay due to his Company of Artificers, be referred to the next Session of Assembly, no one now appearing with the Accounts or Vouchers for the said Claim.

Resolved, That it appears to this Committee, from the Pay Rolls, that there is due to Captain *James Gunn*, for the additional and usual Pay for his Company as Artificers, the Sum of £508. 4. 8, including £55. 1. 6 for Pay for himself and Officers.

Resolved, That the Sum of £453. 3. 2 ought to be allowed to the said *James Gunn* for his Company's Pay, and that he shall be obliged to account for the Disbursements of the same, upon Oath, and produce the Discharges of the several Claimants, to the next Session of Assembly.

Ordered, That the last Resolution be fairly engrossed, and that Mr *Cary* do carry it up to the Council for their Concurrence.

On a *Motion* made,

Resolved, That the Captains *John Field* and *John Pofey* lay an Account, upon Oath, of the Money they received last Session for their Companies of Artificers, with the proper Vouchers of their having paid the same, before the next Session of Assembly.

A *Message* from the Council by Mr *Walthoe*.

That they have agreed to the Bill, entitled, An Act⁴ for adding fundry Persons to the Committee appointed to correspond with the Agent of this Colony.

Also

¹ Hening, VII, p. 654.

² *Ibid.*, VII, p. 658.

³ *Ibid.*, VII, p. 646.

⁴ *Ibid.*, VII, p. 646.

Also to the Refolve of this House To allow Lucy Galt £5 for the Services therein mentioned.

Ordered, That there be a Call of the House Tomorrow.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Tuesday, the 31st of May, 3 Geo. III. 1763.

A *Message from the Council by Mr Walthoe.*

*That they have agreed to the Refolve For paying James Gunn £453.
3. 2, for the Purposes therein mentioned.*

Mr Wythe reported that the Committee appointed had, according to Order, examined the enrolled Bills and Resolves, and rectified such Mistakes as were found therein; and that they were truly enrolled.

Ordered, That Mr Wythe do carry up the said Bills and Resolves to the Council for their Inspection.

A Message from the Council by Mr Walthoe.

30

That they have inspected the enrolled Bills and Resolves, and are satisfied they are truly enrolled.

A Message from the Governour by Mr Walthoe.

Mr Speaker,

The Governour commands the immediate Attendance of this House in the Council Chamber, and that you bring with you such Bills and Resolves as are ready for his Assent.

Mr Speaker, with the House, went up accordingly, and the Governour was pleased to give his Assent to the following Bills:

1. *An Act for continuing and appropriating the additional Duty on Slaves, and the Taxes on Wheel Carriages, Ordinary Licenses, and original Procefs, and for other Purposes therein mentioned.*

2. *To repeal and Act, entitled, An Act for Relief of insolvent Debtors, for the effectual Discovery and more equal Distribution of their Estates.*

3. *For establishing a better Method of appointing Sheriffs.*

4. *For further continuing and amending the Act, entitled, An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned.*

5. *To reduce the Duty on Northern Rum.*

6. *For adding fundry Persons to the Committee appointed to correspond with the Agent of this Colony.*

7. *For giving the Sheriffs a more effectual Remedy against their Under Sheriffs, and Securities, for Monies received by them for his Majesty's Quitrents, and on Executions and other Procefs.*

8. *For amending the Act, entitled, An Act for enlarging the Towns of Fredericksburg and Winchester, the City of Williamsburg, and Towns of Dumfries, and for other Purposes therein mentioned.*

9. *To empower the Common Hall of the Borough of Norfolk to assess, such Taxes, from Time to Time, on the Inhabitants thereof, as shall be sufficient for keeping and supporting a nightly Watch, and erecting Lamps, within the Limits of the same.*

10. *For altering the Court Days of the Counties of Stafford and Chesterfield.*

11. *For altering the Court Day of the County of Gloucester.*

To

¹ Hening, VII, p. 639.

⁴ *Ibid.*, VII, p. 645.

⁷ *Ibid.*, VII, p. 648.

¹⁰ *Ibid.*, VII, p. 656.

² *Ibid.*, VII, p. 643.

⁵ *Ibid.*, VII, p. 646.

⁸ *Ibid.*, VII, p. 650.

¹¹ *Ibid.*, VII, p. 656.

³ *Ibid.*, VII, p. 643.

⁶ *Ibid.*, VII, p. 646.

⁹ *Ibid.*, VII, p. 653.

12. ¹To empower John Richards, Gentleman, to keep a Ferry to and from the Town of Leeds, in the County of King George.

13. ²For paying the Burgeffes Wages in Money for this present Seffion of Affembly. Also to the following Refolves:

1. For allowing fome of the Officers and Soldiers of the late Virginia Regiment the feveral Sums therein mentioned.

2. For paying James Gunn £453. 3. 2, for the Purpofes therein mentioned.

3. For paying Lucy Galt £5, for the Services therein mentioned.

4. For allowing the Officers of the General Affembly the feveral Sums therein mentioned.

5. For allowing Joseph Royle £350 a Year, for the Purpofes therein mentioned.

And then clofed the Seffion with the following Speech:

Gentlemen of the Council, Mr Speaker, and Gentlemen of the House of Burgeffes,

When I called you together, to lay before you the Refolutions of the Right Honourable the Lords Commiffioners for Trade and Plantation Affairs, founded on a Memorial of the Merchants of Great Britain trading to this Colony, presented to their Lordships, I hoped and expected that you would, by fome Afts or Refolves, have removed all future Cause of Complaint from the Merchants, and given full Satisfaction to their Lordships in all the Points recommended to your Reconfideration.

By the State of the Accounts of the Treafury, and the Taxes laid to fink all the various Emissions of Paper Money at the Times ftipulated in the feveral Afts empowering the Treafurer to iffue fuch Notes, I muft candidly acknowledge that the Taxes do appear to me to be fully fufficient to answer the Ends propofed; but, let this be granted: What Objection could there have been to your having bound yourselves, by a formal Refolve of the whole Legislature, to have provided for a full Payment of all the Notes outstanding, by fome additional Tax adequate to the Purpose, in Cafe of any accidental or unexpected Deficiency of thofe now in Being? This you might have done with the utmoft Safety; for if the Taxes already laid fhould prove fufficient, no new Burthen would have been laid on the People; and if they fhould not, your Honour ftands engaged to make up all Deficiences, however occafioned: And then it would have remained with you to have confidered whether the Legality of the Tender of Paper Notes, after fuch Stability and Security given to them, might not have been taken off without rifing the Ruin and Destruction of the Colony, fo much dreaded, as the Confequence of removing it.

Mr Speaker, and Gentlemen of the House of Burgeffes,

I will not omit the firft Opportunity to tranfmit to the Right Honourable the Board of Trade the Reafons you have thought expedient to give for your Actions, and your Refolutions confequent thereon, in your Addrefs to me; which I wifh may give that Content which you fo fanguinely expect from them.

Gentlemen of the Council and of the House of Burgeffes,

It is my moft fincere Wifh that the Steps you have taken may prove fatisfactory, not only to the Right Honourable the Lords of Trade, but even to the Merchants themfelves, and remove all their Complaints of Injuftice having been done them heretofore, and their Fears of what may be done hereafter; for you may be affured that our moft gracious Sovereign, the common Father of all his People, will take effectual Care to redrefs the Grievances of his Subjects, whenever their Complaints can reach the royal Ears.

Having Nothing further to expect from you in this Seffion, I fhall now prorogue you, and you are accordingly prorogued, to the third Tuefday in Auguft next.

¹ Hening, VII, p. 657.

² Ibid., VII, p. 658.

JOURNAL

of the

HOUSE OF BURGESSES

1764

January Session

Burgeses.

Accomac	*Thomas Parramore *Southey Simpfon	Hanover	*Nathaniel West Dandridge *John Syme
Albemarle	Thomas Walker *John Fry	Henrico	Bowler Cocke *Philip Mayo
Amelia	*David Greenhill *Thomas Tabb	Isle of Wight	*James Bridger *Dolphin Drew
Amherft	*William Cabell *Cornelius Thomas	James City	*Lewis Burwell *Philip Johnfon
Augusta	Ifræl Chrifftian John Wilfon	Jameftown	*Edward Champion Travis
Bedford	*William Callaway *John Talbot	King & Queen	*John Pendleton John Robinfon
Brunfwick	*William Thornton *Ifaac Rowe Walton	King George	Charles Carter *Charles Carter, Jr.
Buckingham	Robert Bolling, Jr. *Jofeph Cabell	King William	*Bernard Moore *Carter Braxton
Caroline	*John Baylor Edmund Pendleton	Lancafter	Charles Carter Richard Mitchell
Charles City	Benjamin Harrifon *William Kennon	Loudoun	*Francis Lightfoot Lee *James Hamilton
Chefterfield	Archibald Cary *Richard Eppes	Louifa	*William Johnfon Thomas Johnfon
The College	*Mann Page	Lunenburg	*Henry Blagrove *Clement Reade, Jr.
Culpeper	John Field James Barbour	Middlefex	*John Smith *Ralph Wormeley
Cumberland	*George Carrington John Fleming	Nanfemond	*Willis Riddick Lemuel Riddick
Dinwiddie	*Robert Bolling Leonard Claiborne, Jr.	New Kent	*Burwell Baffett *Richard Adams
Elizabeth City	George Wythe *William Wager	Norfolk	William Bradley *Thomas Veal
Effex	*John Upshaw *John Lee	Norfolk Borough	*Jofeph Hutchings
Fairfax	*George Johnfton *John Weft	Northampton	*John Harmanfon *Thomas Dalby
Fauquier	*Thomas Harrifon *Thomas Marfhall	Northumberland	*Richard Hull *Spencer Ball
Frederick	*George Wafhington *George Mercer	Orange	James Taylor James Walker
Gloucefter	Thomas Whiting John Page	Prince Edward	*Peter Legrand *Abner Nafh
Goochland	*John Payne *Jofias Payne	Prince George	Richard Bland *Richard Bland, Jr.
Halifax	*Nathaniel Terry *Robert Wade	Prince William	John Baylis Henry Lee
Hampfhire	*James Mercer *Thomas Rutherford	Princes Anne	*Edward Hack Mofeley *Anthony Walke

*Not fhown by the Journal to have been prefent during the Affembly.

Richmond	*John Woodbridge	Suffex	*David Mafon
	*Landon Carter		*John Edmunds
Southampton	Joseph Gray	Warwick	*William Digges
	*Benjamin Symmons		*William Harwood
Spotfylvania	Fielding Lewis	Westmoreland	Richard Henry Lee
	Benjamin Grymes		Richard Lee
Stafford	William Fitzhugh	Williamsburg	Peyton Randolph
	Thomas L. Lee	York	*Dudley Digges
Surry	*Hartwell Cocke		*Thomas Nelson, Jr.
	*William Bailey		

*Not shown by the Journal to have been present during the Affembly.

Changes in the Perfonnel, 1764.

January Seffion

Isle of Wight	Dolphin Drew Succeeded Joseph Bridger
Hanover	James Littlepage Succeeded Nathaniel West Dandridge

JOURNAL

of the

HOUSE OF BURGESSES

Thursday, the 12th of January, 4 Geo. III. 1764.

A Message from the Governour was delivered by Mr Walthoe.
 Mr Speaker, and Gentlemen of the House of Burgeffes,
 The Governour commands the immediate Attendance of your House in the
 Council Chamber.

Accordingly Mr Speaker, with the House, went up to attend the Governour.

And being returned, reported that the House had attended the Governour in the Council Chamber, and that he was pleased to make a Speech to the Council and this House, of which he had, to prevent Mistakes, obtained a Copy; which he read in his Place, and afterwards delivered in at the Table, where it was again read, and is as follows:

Gentlemen of the Council, Mr Speaker, and Gentlemen of the House of Burgeffes,

My principal Reason for convening you to meet me in General Assembly, in this inclement Season of the Year, was to lay before you a Letter I received from Sir Jeffery Amherst, before he left this Continent to receive at home those Honours which his Conduct here had merited, requiring the Assistance of 500 Men from this Colony to act offensively against the Indians, in Conjunction with a Body of Regulars, under the Orders of the Commander in Chief for the southern District. This Requisition has been repeated by the Hon. Major General Gage, on whom the Command in Chief of his Majesty's Troops on this Continent is devolved.

I make no Doubt but that you will think it necessary to provide for the Security of your own Frontiers for the ensuing Year, in some Manner or other, against the Incursions and Depredations of the Indians; and it rests with you to consider whether the Plan proposed at first by so able a General, and since recommended by a Gentleman to whom we owe our first Successes in America, is not more likely effectually to answer that Purpose, by marching into the Enemies Country, than by waiting at home to revenge yourselves when they think proper to enter yours, and commit all Kinds of Outrages and Murders.

The Manner in which I have endeavoured to defend the back Inhabitants, in Consequence of the Power entrusted to me by the Invasion Law, have proved, I fear, extremely expensive; and this Consideration has been a second very weighty Motive with me for desiring to meet you at this Time, that you may deliberate on these Matters with all the Attention which the Importance of them demands. The grievous Complaints from the back Country, and the frequent Appearance of large Parties of Indians in this Colony, together with the daily Accounts of Murders committed in the neighbouring Ones, induced me, by and with the Advice of his Majesty's Council, to call out a large Number of the Militia to protect our Settlements; the Direction of which was put into the Hands of two Officers who had distinguished themselves in the Service of their Country, while our Regiment subsisted. This Number, as the Danger decreased, was reduced to 500, and would have undergone another Reduction, if not a total Discharge, had it not been resolved to call an Assembly, in which

I thought it highly proper you should determine for yourselves what Measures you would for the future pursue, in Times of such Danger and Distress.

I cannot quit this Subject without doing Justice both to the Officers and private Men of the Militia, by thus publickly testifying my great Approbation of their Conduct and Courage, and recommending them to you for Payment, in the most speedy Manner the Laws and Constitution of your Country will admit of, in Recompense of their Services, by which they have done Credit to the Colony in general, and great Honour to themselves in particular.

It is with the greatest Pleasure I am enabled to inform you that I have the fullest Persuasion that you have Nothing to fear from the Indians to the South West, their Behaviour at the late Congress carrying all the Marks of a firm Attachment to our Interest; and if we conduct ourselves agreeably to the well concerted Plan of his Majesty, and his Ministers, to cultivate the Friendship of the Indians on our Parts, I have great Reason to hope that we shall have no Occasion to complain of Perfidy on theirs, but that the Peace now confirmed between us will be solid and permanent from that Quarter. It may be necessary to take all possible Precautions, lest our Hunters, by Mistake, should fall upon the Cherokees, who are going this Summer to make War upon the northern Indians, their Enemies as well as ours. Copies of the Journal of the Proceedings of the Congress at Augusta are now printing at Charlestown; which I expect to receive very soon, and which I will communicate to you by the first Opportunity after my receiving the same.

Mr Speaker, and Gentlemen of the House of Burgeffes,

I am sensible that the Expenses already incurred are very great, and yet it may be prudent for you to increase them, by guarding your Frontiers from Attacks by the northern Indians. This is a Burthen which will lie heavy on the People, but which I hope they will bear with Cheerfulness, as their Security so absolutely depends upon it. In providing for it, I rely on your Wisdom that you will do it in such a Manner as will make it as easy as the Nature of the Thing can admit of to them, and will give no Cause of Discontent either in Great Britain or Virginia.

Gentlemen of the Council and of the House of Burgeffes,

Since my last meeting you, I have received an Order from his Majesty in Council, declaring his Disallowance and Repeal of an Act, entitled, An Act for the Relief of insolvent Debtors, &c. by which you will see the Expediency of your having repealed that Act, before the Day on which it was to have taken Place, or could operate to the Disadvantage of any Person whatever. The Matter offered to your Consideration is of Importance, but may be gone through with Despatch, which I would recommend to you, that you may soon return to your own Families, unless you should choose to go upon such Business of the Country as is ready for you.

Resolved, That an humble Address be presented to his Honour the Governour, to return him the Thanks of this House for his Speech; to assure him that we have observed, with the greatest Concern, the Cruelties exercised by the Indians on our frontier Inhabitants; that we will take every Measure in our Power to protect them for the future; and that we will proceed to the Consideration of the several other Matters recommended to us by his Honour with the utmost Attention and Despatch.

Ordered, That a Committee be appointed to draw up an Address to the Governour, pursuant to the said Resolution; and it is referred to Mr Attorney and Mr Edmund Pendleton to prepare and bring in the same.

Mr Speaker reported that the Governour had delivered to him two Letters from his Excellency Sir Jeffery Amherst and General Gage, mentioned in his Speech, which he had desired him to lay before the House.

And the said Letters were read, and ordered to lie on the Table.

Resolved, That this House will take the Governour's Speech into Consideration Tomorrow.

Ordered

Ordered, That the Rev. Mr *William Yates* be continued Chaplain to this House, and that he attend to read Prayers every Morning at 11 o'Clock.

Ordered, That the several Doorkeepers be continued in their respective Offices, and that they give their Attendance accordingly.

On a *Motion* made,

Ordered, That the Committee appointed to correspond with the Agent of this Colony, in *Great Britain*, pursuant to an Act of Assembly For appointing an Agent, do lay the Agent's Letters, received since the Meeting of the last Session of Assembly, before the House.

On a *Motion* made,

Ordered, That an Address be made to his Honour the Governour, to order a new Writ to issue for the electing a Burgesses to serve in this present General Assembly for the County of *Hanover*, in the Room of Mr *Dandridge*, who since his Election hath accepted of the Office of Coroner of the said County, and that Mr *Syme* do wait upon him with the said Address.

On a *Motion* made,

Ordered, That an Address be made to his Honour the Governour, to order a new Writ to issue for the electing a Burgesses to serve in this present General Assembly for the County of *Isle of Wight*, in the Room of Mr *Joseph Bridger*, who since his Election hath accepted of the Office of Sheriff of the said County, and that Mr *Lemuel Riddick* do wait upon him with the said Address.

And then the House adjourned until To-morrow Morning 12 o'Clock.

Friday. the 13th of January. 4 Geo. III. 1764.

SEVERAL Claims of *William Edwards*, *Bernard Markham*, *William Gary*, *John Phillips*, *George Bernick*, *Nimrod Poindexter*, *William Reeves*, *Lydall Bacon*, *Charles Turner*, *William Markham*, *William Clayton*, and *Thomas Edward*, for taking up several Runaways therein mentioned, were presented to the House and received.

Ordered, That the said Claims be referred to the Consideration of the next Session of Assembly.

Mr *Attorney*, from the Committee of Correspondence, laid before the House the Agent's Letters, agreeable to the Order of Yesterday.

And the said *Letters* were read, and ordered to lie on the Table.

The *Order* of the Day being read for the House to take into Consideration the Governour's Speech.

Resolved, That this House will resolve itself into a Committee on the said Speech.

Ordered, That the Generals Letters laid before the House Yesterday, by Command of his Honour the Governour, and the Agent's Letters this Day, be referred to the Consideration of the said Committee.

And then the House resolved itself into the said Committee on the said Speech and Letters; and after some Time spent therein Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Speech and Letters under their Consideration, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Militia employed in the last Year, and now in actual Service, ought to be paid out of the Money granted by the Parliament of *Great Britain* to this Colony.

Resolved, That an humble Address be presented to his Honour the Governour, to acquaint him that we have had under our Consideration that Part of his Speech which relates to the Requisition of his Excellency General *Amherst*, repeated by the Honourable Major General *Gage*; and to inform him that though we consider ourselves under the
highest

higheft Obligations to defend our Frontiers from *Indian* Incurfions, yet our Inability to advance ready Money for the raifing and maintaining the Body of Men, required by his Majesty's Generals, obliges us rather to choofe that Method of Defence which is to be obtained from a brave and well appointed Militia.

Ordered, That a Bill of Bills be brought in purfuant to the firft Refolution; and it is referred to M^r Attorney, M^r Bland, M^r Edmund Pendleton, and M^r Richard Henry Lee, to prepare and bring in the fame.

Ordered, That an Addrefs be brough in purfuant to the fecond Refolution; and it is referred to the laft mentioned Gentlemen to prepare and bring in the fame.

A *Petition* of fundry Freeholders and Inhabitants of the County of *Westmoreland*, praying that the Warehouse for the Infpection of Tobacco on the fouth Side of the River *Nomony*, in the faid County, which is in a very ruinous Condition, be difcontinued; and that a new Warehouse may be built and eftablifhed lower down the River, on the Land of *William Flood*, the Proprietor of the old One; was prefented to the Houfe and read.

Ordered, That a Bill or Bills be brought in purfuant to the Prayer of the faid Petition, and it is referred to M^r Richard Henry Lee and M^r Richard Lee to prepare and bring in the fame.

And then the Houfe adjourned until To-morrow Morning 12 o'Clock.

Saturday, the 14th of January, 4 Geo. III. 1764.

A *Petition* of the Minifter, Churchwardens, Veftrymen, and other Inhabitants of the Parifh of *Elizabeth River*, in the County of *Norfolk*, praying that an Act may pafs to empower the Veftry of the faid Parifh to purchafe convenient Lots of Land in the faid Borough, and to erect fuch Buildings thereon as is by Law directed to be built on Glebes in this Colony, for the Ufe of the Minifter of the faid Parifh; and alfo to levy on the Inhabitants thereof a certain Sum of Money annually, to be paid to the Minifter in Lieu of the other Advantages he might receive from fuch Glebe as might or could be purchafed in the faid Parifh of *Elizabeth River*; and alfo to levy on the Inhabitants of the faid Parifh fuch a Sum of Money annually as this Houfe fhall think reafonable, to be paid to the Minifter of the faid Parifh for the Time being, in Lieu of his Salary now levyable in Tobacco; was prefented to the Houfe and read.

Ordered, That a Bill or Bills be brought in purfuant to the Prayer of the faid Petition, and it is referred to M^r Bradley and M^r Bland to prepare and bring in the fame.

M^r Attorney reported that the Committee appointed had, according to Order, prepared an Addrefs to the Governour; which he read in his Place, and then delivered in at the Table, where the fame was again twice read, and agreed to by the Houfe, and is as follows:

Sir,

We his Majesty's dutiful and loyal Subjects, the Burgeffes of Virginia, now met in General Affembly, return you our fincere Thanks for your kind Speech at the Opening of this Seflion. Permit us at the fame Time to congratulate your Honour on the happy Conclusion of the Treaty with the fouthern Indians, and on your fafe Return to the Government of an affectionate People.

We feel, very fenfibly, the Distreffes of our Fellow Subjects, who have been expofed to the Incurfions and Depredations of our favage Enemy; and fhall think it our Duty to take Care of their Protection and Security, in the beft Manner our Circumftances will admit of.

*We cannot omit, on this Occafion, expreffing the Pleafure we receive from the Behaviour of the Militia, whofe Conduet and Bravery we are fatisfied prevented the Barbarians from
extending*

extending the dismal Scenes of Outrage and Murder: Such signal Services demand of us to provide for their Payment, in the most speedy and satisfactory Manner.

This, with the other Matters recommended to us by your Honour, we will proceed to consider with the greatest Attention and Despatch.

Ordered, That the Committee who prepared the said Address do wait on his Honour the Governour to know his Pleasure when he will receive the same.

A *Petition* of *Bernard Moore*, setting forth that in the Year 1761 an Act of Assembly was passed empowering him, or the acting Executor of the Will of *John Spotswood*, Esq; deceased, or the Guardians of his Children for the Time being, to apply the Profits of all his Estate, as well that which he held in Taille, under the Will of his Father Major General *Alexander Spotswood*, as his Fee Simple Estate, towards the Payment of his Debts, and those due from his said Father, in Order to preserve his small Fee Simple Estate for the Benefit of his younger Son.

That having accordingly applied the Profits, after maintaining the Children, to that Use, a large Sum of the Debts have been discharged, but there still remains about £9000 unpaid, which, with the Interest thereof, cannot be paid in many Years; and the Creditors, hitherto indulgent, refuse to wait for such slow Payment, but threaten to levy Executions on the Fee Simple Estate of the said *John Spotswood*, consisting chiefly in Slaves, without whom, the Iron Works, the most valuable Part of the entailed Estate, cannot be carried on; so that by this Means the Provision made for the said younger Son will be taken away, the carrying on the Iron Works impeded, and the salutary Purposes of the said Act wholly defeated: And, at the same Time, the Creditors will not be paid their Debts without the tedious and expensive Remedy of a Suit in Chancery, to charge the entailed Estate with the same.

That he conceives it will therefore be for the Benefit of the Heir, younger Son and Creditors, to sell some of the entailed Lands to pay off the most pressing Creditors, and reduce the Debts to a moderate Sum that may be paid off in a reasonable Time, in the Method directed by the said Act.

He having published due Notice of his Intention, according to the Royal Instructions and praying that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That a Bill or Bills be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Edmund Pendleton* to prepare and bring in the same.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To empower the Vestry of the Parish of *Bath*, in the County of *Dinwiddie*, to sell their Glebe, and to purchase one more convenient; and it is referred to Mr *Claiborne* to prepare and bring in the same.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To empower the Common Hall of the City of *Williamsburg* to assess such Taxes, from Time to Time, on the Inhabitants thereof, as shall be sufficient to answer all Charges and Expenses for publick Buildings and other Conveniences.

A *Petition* of divers Inhabitants of the County of *Augusta*, praying that an Act may pass for opening and clearing a Road over the Mountains, from the Mouth of *Rockfish* Gap, in the said County, and to empower the Court of the said County to levy on such of the Inhabitants of the same as they shall think will be principally benefited thereby so much Money as will be sufficient to open and clear the same, was presented to the House and read.

Ordered, That a Bill or Bills be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Christian* and Mr *Wilson* to prepare and bring in the same.

A *Petition* of *Hancock Eustace*, late a Captain in the *Virginia* Forces, setting forth that he hath suffered many considerable Losses in the Service, particularly in the Campaign of 1758, when Fort *Duquesne* was reduced, he lost his Tent, Baggage, and all his military Stores, the uncommon Badness of the Weather, and Want of Horses, prevented him bringing them away; and humbly praying, from the Wisdom and Goodness

of

of the House, that amidst the various Instances of their Bounty, he will not be suffered to remain the only Officer that has never been considered and rewarded by his Country; and praying the Consideration of the House therein, was presented to the House and read.

Ordered, That the said Petition be referred to Mr *Richard Henry Lee*, Mr *Edmund Pendleton*, and Mr *Benjamin Harrison*; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Petition* of *Charles Carter*, Esq; setting forth that he is seized in Fee Taille of 310 Acres of Land, commonly called *Norman's Ford*, in the Parish of *St. Mark*, in the County of *Culpeper*.

That he is also seized in Fee Simple of 1100 Acres of Land in the Parish of *Brunswick*, in the County of *King George*.

That he is advised it would be greatly to the Advantage of himself, and the Heir in Taille, if he was allowed to dock the Entail of the said Lands in *Culpeper*, and to settle the Lands in *King George* in Lieu thereof, to the same Uses; and praying that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That a Bill or Bills be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Bland* to prepare and bring in the same.

A *Petition* of *William Cary*, setting forth that he is seized as Tenant in Fee Taille, under the Will of his Grandfather *William Cary*, deceased, of and in 360 Acres of Land, in the County of *Warwick*.

That he has resided on the said Lands for many Years past without any Slaves to cultivate it, whereby he has been a great Sufferer, and therefore has been advised that it would be greatly to the Advantage of himself, and the Heir in Taille, if he was permitted to sell the said Lands, and lay out the Money arising from the Sale thereof partly in Lands, and the Rest in Slaves, to be settled thereon, and to descend with the same; and he has lately contracted with one *Allen Jones* to sell the said Lands to him for a very considerable Sum, if an Act of Assembly could be procured to enable him so to do; and praying that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That a Bill or Bills be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Edmund Pendleton* to prepare and bring in the same.

Mr *Pendleton* presented to the House, according to Order, a Bill To direct the Sale of certain entailed Lands whereof *John Spotswood*, Esq; died seized, for Payment of the Debts due from him, and the Estate of Major General *Alexander Spotswood*; which was read the first Time, and ordered to be read a second Time.

A *Petition* of the Justices, Lawyers, and Clerk, of the County of *Lancaster*, praying that the Court Day of the said County may be altered from the third *Friday* to the third *Wednesday* in every Month, and that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That a Bill or Bills be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Cary* to prepare and bring in the same.

A *Petition* of *Henry Timberlake*, praying that he may be allowed his Expenses in conducting a Party of upwards of 70 *Indians* from the *Cherokee* Country to *Williamsburg*, by Order of his Honour the Governour, was presented to the House and read.

Ordered, That the said Petition be referred to Mr *Richard Henry Lee*, Mr *Edmund Pendleton*, and Mr *Benjamin Harrison*; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Petition* of the *Nottoway* and *Nansemond* *Indians*, praying that an Act may be passed to enable them to sell certain of their Lands, and the Money arising therefrom, after paying their Debts, to go towards furnishing them with the common Necessaries of Life, was presented to the House and read.

Ordered, That a Bill or Bills be brought in pursuant to the Prayer of the said Petition, and it is referred to Mr *Gray* to prepare and bring in the same.

A *Claim* of *William Pegram*, for taking up a Runaway therein mentioned, was presented to the House and received.

Ordered

Ordered, That the said Claim be referred to the Consideration of the next Session of Assembly.

A *Representation* and Petition of *William Winston*, praying some Compensation for the Losses he has sustained from a Number of barbarous and savage *Indians*, who some Time in the Month of *July* last violently attacked him in his House, from which he narrowly escaped with his Life, and carried away or destroyed all his Stocks and household Goods, to a great Value, and 14 Slaves, none of which he has been able to reclaim, except one, who found Means to escape, and him he has since been obliged to sell in Order to subsist himself and Family hitherto; at present he is reduced from an easy independent Plenty to the deplorable Condition of having Nothing to subsist on, in an advanced Age, and infirm State of Health, and therefore wholly unable to labour, was presented to the House and read; and the Question being put that the said Petition be referred to a Committee,

It passed in the Negative.

Resolved, That the said Petition be rejected.

And then the House adjourned until Monday Morning 12 o'Clock.

Monday, the 16th of January, 4 Geo. III. 1764.

M^R *Bradley*, from the Committee appointed, presented to the House, according to Order, a Bill To empower the Vestry of the Parish of *Elizabeth River*, in the County of *Norfolk*, to purchase and improve Lots in the Borough of *Norfolk* for the Use of the Minister, instead of a Glebe, and to pay their Minister's Salary in Money instead of Tobacco; and the same was read the first Time, and ordered to be read a second Time.

Mr Bland, from the Committee appointed, presented to the House, according to Order, a Bill To dock the Entail of certain Lands whereof *Charles Carter*, Esq; is seized, and for settling other Lands of greater Value to the same Uses; and the same was read the first Time, and ordered to be read a second Time.

Mr Claiborne, from the Committee appointed, presented to the House, according to Order, a Bill To empower the Vestry of the Parish of *Bath*, in the County of *Dinwiddie*, to sell their Glebe, and purchase a more convenient One; and the same was read the first Time, and ordered to be read a second Time.

Mr Christian, from the Committee appointed, presented to the House, according to Order, a Bill For opening and clearing a Road through *Rockfish* Gap over the Mountains; and the same was read the first Time, and ordered to be read a second Time.

Mr Attorney, from the Committee appointed, presented to the House, according to Order, a Bill For appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned; and the same was read the first Time, and ordered to be read a second Time.

11 *Mr Attorney* also reported that the Committee appointed had, according to Order, waited on his Honour the Governour, to know his Pleasure when this House should attend him with their Addresse, and that he was pleased to appoint this Day, and to say he would send a Message to the House when he was ready to receive it.

Mr Attorney also presented to the House, according to Order, a Bill To empower the Corporation of the City of *Williamsburg* to assess Taxes on the Inhabitants thereof for the Purposes therein mentioned, and for repealing a certain Act of Assembly therein also mentioned; and the same was read the first Time, and ordered to be read a second Time.

Mr Richard Henry Lee presented to the House, according to Order, a Bill For discontinuing the Warehouses on the south Side of *Nomony* River, and establishing others at a more convenient Landing; and the same was read the first Time, and ordered to be read a second Time.

Mr Cary, from the Committee appointed, presented to the House, according to Order, a Bill For altering the Court day of the County of *Lancaster*; and the same was read the first Time, and ordered to be read a second Time.

Mr *Gray* presented to the House, according to Order, a Bill To enable the *Nottoway* and *Nanfemond* Indians to sell certain Lands belonging to them, and for other Purposes therein mentioned; and the same was read the first Time, and ordered to be read a second Time.

Mr *Pendleton* presented to the House, according to Order, a Bill To vest certain entailed Lands whereof *William Cary* is seized, in *Allen Jones*, in Fee Simple, and for settling other Lands and Slaves to be purchased in Lieu thereof; and the same was read the first Time, and ordered to be read a second Time.

Sundry Claims of *James Small*, *William Hansbrough*, *James Jones*, and *Thomas Cooper*, for taking up Runaways therein mentioned, were presented to the House and received.

Ordered, That the said Claims be referred to the Consideration of the next Session of Assembly.

On a Motion made,

Ordered, That the Petition of *Edward Hubbard*, referred from the last to this present Session of Assembly, be referred to Mr *Archibald Cary*, Mr *Benjamin Cocke*,¹ Mr *Edmund Pendleton*, and Mr *Benjamin Harrison*; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A Bill To direct the Sale of certain entailed Lands whereof *John Spotswood*, Esq; is seized, for Payment of the Debts due from him, and the Estate of Major General *Alexander Spotswood*, was read a second Time, and committed to Mr *Edmund Pendleton*, and the Members of *Spotsylvania*, *Orange* and *Culpeper*.

A Bill To vest certain entailed Lands whereof *William Cary* is seized, in *Allen Jones*, in Fee Simple, and for settling other Lands and Slaves to be purchased in Lieu thereof, was read a second Time, and committed to Mr *Edmund Pendleton*, and Members of *Warwick*, *York*, *James City*, and *Elizabeth City*.

Also a Bill To dock the Entail of certain Lands whereof *Charles Carter*, Esq; is seized, and for settling other Lands of greater Value to the same Uses, was read a second Time, and committed to Mr *Bland*, and the Members of *Culpeper*, *Stafford*, and *Prince William*.

A Petition of several Ordinary Keepers of *York* and the City of *Williamsburg*, setting forth that the Act entitled, *An Act for regulating Ordinaries, and Restraint of Tippling Houses*, as it now stands, is become grievous and burthensome, laying the Petitioners under a Necessity of either affronting their best Customers, and thereby losing their Business, or being in Danger of Ruin by the Loss of their Debts, which they can neither hinder others from contracting with them, nor afterwards receive by due Course of Law; and praying that the said Act may be amended, or such other Redress as this honourable House shall think fit, was presented to the House and read; and the Question being put that the said Petition be referred to a Committee,

It passed in the Negative.

Resolved, That the said Petition be rejected.

A Bill To empower the Vestry of the Parish of *Elizabeth River*, in the County of *Norfolk*, to purchase and improve Lots in the Borough of *Norfolk* for the Use of the Minister, instead of a Glebe, and to pay their Minister's Salary in Money instead of Tobacco, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A Message from the Governour was delivered by Mr *Walthoe*.

Mr *Speaker*,

I am commanded by the Governour to acquaint this House that his Honour is now ready to receive their Addresse in the Council Chamber.

Mr *Speaker*, with the House, went up accordingly; and being returned, reported that he had, with the House, attended the Governour in the Council Chamber, and presented the Address of this House to him, to which he was pleased to answer:

Mr

¹ Probably intended for Bowler Cocke.

² Hening, VI, p. 71.

Mr Speaker, and Gentlemen of the House of Burgeffes,

The affectionate Manner in which you congratulate me on my safe Return into this Colony, and on the Succes of the Conferences with the Indians, justly claims my most sincere Thanks, which with great Cordiality I return you.

When you take into Consideration the Matters recommended to you, I can make no Doubt but that you will enter into such Measures as will most likely tend to promote and effect the salutary Ends proposed, and at the same Time do Justice to those brave Men who have signalized themselves in the Service of their Country.

A Bill For discontinuing the Warehouses on the south Side of Nomony River, and establishing others at a more convenient Landing, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

And then the House adjourned until To-morrow Morning 12 o'Clock.

Tuesday, the 17th of January, 4 Geo. III. 1764.

A *Petition* of fundry Inhabitants of the County of King George, praying that a Ferry may be established from the Land of *Thomas Caffon*, over *Rappahannock* River, to the Land of *Mrs. Conway* on the opposite Shore; and that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That a Bill or Bills be brought in pursuant to the Prayer of the said Petition, and it is referred to *Mr Charles Carter* to prepare and bring in the same.

Mr Bland, from the Persons to whom the Bill To dock the Entail of certain Lands whereof *Charles Carter*, Esq; is seized, and for settling other Lands of greater Value to the same Uses, was committed, reported that they had examined into the Allegations of the said Bill, and found them to be true, and had made no Amendments thereto, and he delivered it in at the Table.

Ordered, That the said Bill be engrossed, and read a third Time.

Mr Charles Carter presented to the House, according to Order, a Bill For establishing a Ferry from the Land of *Thomas Caffon*, over *Rappahannock* River, to the opposite Shore in *Caroline*; and the same was read the first Time, and ordered to be read a second Time.

A *Petition* of *Joseph Terry*, *Joseph Winston*, and *Peter Goodwin*, praying some Compensation for the many Wounds they received in an Engagement with the *Indians* on their late Incurfions into the Frontiers of this Colony, and for the Loss of their Baggage which was taken by the Enemy, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of *Mr Christian*, and *Mr Thomas Johnson*; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr Richard Henry Lee, from the Persons to whom the Petition of *Hancock Eustace* was referred, reported that they had examined into the Allegations thereof, and had agreed upon a Report, and come to a Resolution thereon, which he read in his Place, and then delivered in at the Table, where it was again read, and agreed to by the House, as follows:

Resolved, That the said Petition be rejected, for Want of Proof to support the Allegations thereof.

A *Petition* of Capt. *Bullett*, praying to be reimbursed the Sum of £30.18 which he advanced to *Richard Smith*, Interpreter to a Party of *Indians* then under the Care of the said *Bullett*, at *Fort Chiswell*, who were to remain as Hostages for the Return of the *Little Carpenter*, for his the said *Smith's* Subsistence during that Service, was presented to the House and read.

Ordered, That the said Petition be referred to *Mr Bland* and *Mr Walker*; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr Attorney reported that the Committee appointed had, according to Order, prepared an Address to the Governour; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

Sir,

Having considered with serious Attention that Part of your Honour's Speech, enforcing the Requisition of his Excellency General Amherst, repeated by the Honourable Major General Gage, we are concerned to find that Measures so wisely calculated to stop the Progress of those Cruelties practised by our savage Enemies on the Frontiers of this and the other Colonies cannot receive Aid from us, under our present Circumstances.

The Difficulty of raising Men to assist the common Cause during the late War made it expedient to dispose of large Bounties to encourage their entering into the Service, which, with the Expense of subsisting them, involved us in the disagreeable Necessity of emitting Treasury Notes, to circulate for a limited Time in Lieu of ready Money, of which none could at that Time be obtained.

Troops now to be raised would expect the like Bounty, and be attended with the like Expense; and as we cannot pursue the former Method of providing for them without raising the Clamours of the British Merchants trading to this Colony, and thereby incurring ministerial Censure, we are compelled, from the Necessity of the Case, to decline a Measure that 14 *would otherwise have met with our Approbation and Assistance.*

This, Sir, obliges us to rest the Defence of the Frontiers upon our Militia; which, under your Honour's wise Direction, we have Reason to hope, from the Experiences of last Summer, will prove effectual.

Ordered, That the said Address be fairly transcribed, and presented by the Committee who drew it.

Mr Pendleton, from the Persons to whom the Bill To direct the Sale of certain entailed Lands whereof John Spotswood, Esq; died seized, for Payment of the Debts due from him, and the Estate of Major General Alexander Spotswood, was committed, reported that they had examined into the Allegations of the said Bill, and found them to be true, and had made no Amendments thereto; and he delivered it in at the Table.

Ordered, That the said Bill be engrossed, and read a third Time.

A Petition of Robert Stobo, setting forth that being a Major in the Virginia Regiment in the Year 1760, obtained Leave of his Honour the Governour to be absent from the Service for the Space of one Year, his Affairs at that Time requiring his Presence in England; that on his Return he applied to his Honour for his Pay as Major in the Virginia Regiment, who being in Doubt whether he could give his Warrant for the Payment of it, ordered him to make Application to this honourable House; and praying the Consideration of the House thereon, was presented to the House and read; and the Question being put that the said Petition be referred to a Committee,

It passed in the Negative.

Resolved, That the said Petition be rejected.

Mr Pendleton, from the Persons to whom the Petition of Edward Hubbard was referred, reported that they had had the same under their Consideration, and agreed upon a Report, and come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

Resolved, That the Sum of £36. 11. 76 be paid to Lieutenant Alexander Waugh (to whom the said Hubbard hath ordered the same to be paid) for the said Company's Pay, and that the said Waugh shall be obliged to account for the Disbursements of the same, upon Oath, and produce the Discharges of the several Claimants, to the next Session of Assembly.

Ordered, That the said Resolve be engrossed, and that Mr Pendleton do carry it up to the Council for their Concurrence.

Mr Pendleton, from the Persons to whom the Bill To vest certain entailed Lands whereof William Cary is seized, in Allen Jones, in Fee Simple, and for settling other Lands

Lands and Slaves to be purchased in Lieu thereof, was committed, reported that they had examined into the Allegations of the said Bill, and found them to be true, and had made no Amendments thereto; and he delivered it in at the Table.

Ordered, That the said Bill be engrossed, and read a third Time.

A *Bill* For appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned, was read a second Time, and committed to a Committee of the whole House immediately.

The House then resolved itself into a Committee on the said Bill; and after some Time spent therein Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Bill under their Consideration, but not having Time to go through the same, they had directed him to move for Leave to sit again.

Resolved, That this House will resolve itself into a Committee on the said Bill To-morrow.

A *Bill* To empower the Corporation of the City of *Williamsburg* to assess Taxes on the Inhabitants thereof for the Purposes therein mentioned, and for repealing a certain Act of Assembly therein also mentioned, was read a second Time, and committed to Mr *Attorney* and Mr *Richard Henry Lee*.

An engrossed *Bill*, entitled, *An Act for discontinuing the Warehouses on the south Side of Nomony River, and establishing others at a more convenient Landing*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Richard Henry Lee* do carry the said Bill to the Council for their Concurrence.

Two *Claims* of *William Walker* and *Richard Evans*, for taking up Runaways therein mentioned, were presented to the House and received.

Ordered, That the said Claims be referred to the Consideration of the next Session of Assembly.

And then the House adjourned until To-morrow Morning 12 o'Clock.

Wednesday, the 18th of January, 4 Geo. III. 1764.

MR *Richard Henry Lee*, from the Persons to whom the Petition of Captain *Bullett* was referred, reported that they had had the same under their Consideration, and come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

Resolved, That *Thomas Bullett* be allowed by the Publick the Sum of £30.18, to be deducted out of the Sum of £71 due to *Smith*, the *Indian* Interpreter, in the Petition mentioned, the said *Bullett* having an Order for that Purpose from the Brother and Executor of the said *Smith*.

He also reported that the Committee to whom the Petition of *Henry Timberlake* was referred had had the same under their Consideration, and come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

Resolved, That the Petition be rejected, the Demand being payable out of the Funds appropriated to defray the contingent Charges of this Government.

A *Petition* of *Robert Brackenridge*, praying to be reimbursed a Sum of Money which he advanced to three Men of his Company of Militia when stationed on Duty at Fort *Chiswell*, in the Year 1761, he having neglected to insert their Names in the Pay Roll for that Service, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the next Session of Assembly.

On

On the *Petition* of *James Galt*, Keeper of the publick Gaol, praying a Continuance of his former Salary,

Resolved, That the additional Sum of £15 be paid to the said *James Galt*, over and above his usual Salary of £25 per Annum.

Resolved, That 10 lbs. of Tobacco per Day be allowed to the said *James Galt*, for every Criminal committed to the said Gaol during such Criminal's Imprisonment, from this Time to the End of the next Session of Assembly.

A *Petition* of *James Wilson*, praying some Compensation for the Loss of the Use of his right Arm, occasioned by a Musket Shot in an Engagement with a large Body of Indians in September last.

Also a *Petition* of *Robert Clandening*, setting forth that he being draughted out of the Militia of *Augusta* County was sent out under the Command of Captain *Moffat*, to repel the hostile Invasions of the *Indians* on the Frontiers of this Colony; that in an Action between a large Body of *Indians*, and a Detachment from the Companies of the said *Moffat*, and Captain *Phillips* of *Louisa*, he was dangerously wounded in his right Arm by a Musket Ball, which has deprived him of the Use thereof, and rendered him entirely incapable of getting his Livelihood; and praying the Consideration of the House therein, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of Mr *Cary*, Mr *Wilson*, Mr *Robert Bolling*, Jun. and Mr *Fleming*; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

On a *Motion* made,

Ordered, That Mr *Cary* be added to the Persons to whom the *Petition* of *Joseph Terry*, &c. is referred.

Mr *Attorney*, from the Persons to whom the Bill To empower the Corporation of the City of *Williamsburg* to assess Taxes on the Inhabitants thereof for the Purposes therein mentioned, and for repealing a certain Act of Assembly therein also mentioned, was committed, reported that the Committee had made several Amendments thereto; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To enable certain Adventurers to drain a large Tract of marshy Ground in the Counties of *Nansemond* and *Norfolk*; and it is referred to Mr *Richard Henry Lee* and Mr *Lemuel Riddick*, to prepare and bring in the same.

A *Petition* of *Thomas Branan*, praying to be allowed for three Horses impressed into the Service in the Years 1756, 1758, and 1759, appraised to £25.15, and never returned him, was presented to the House and read.

Resolved, That the said *Thomas Branan* be allowed by the Publick the Sum of £25.15, for the Horses in the *Petition* mentioned.

On the *Petition* of *Joseph Royle*, Printer, praying the Continuance of his Salary as Printer to this House,

Resolved, That the Sum of £375 per Annum be allowed to the said *Joseph Royle*, Printer, to continue to the End of the next Session of Assembly, as a full Consideration for printing the Journal of the House of Burgesses, printing the Laws of each Session and sending as many Copies to the County Court Clerks as there are Justices in the Commission in each respective County, and one other, which is to be half bound, for the Use of the Court, and ten to the Clerk of the Court of Huftings of the Borough of *Norfolk*, printing Inspectors Notes and Books, Proclamations, and other publick Advertisements.

Ordered, That the said *Resolve* be engrossed, and that Mr *Attorney* do carry it to the Council for their Concurrence.

A *Claim* of *John Besley*, for taking up a Runaway therein mentioned, was presented to the House and received.

Ordered, That the said *Claim* be referred to the Consideration of the next Session of Assembly.

17 The *Order* of the Day being read, the House again resolved itself into a Committee on the Bill For appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Bill under their further Consideration, and made several Amendments thereto, which they had directed him to report to the House; and he read the said Amendments in his Place, and delivered them in at the Table, where they were again twice read, and agreed to by the House, with some Amendments.

Ordered, That the said Bill with the Amendments, as amended, be engrossed, and read a third Time.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For amending an Act, entitled, *An Act for amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs*; and it is referred to Mr *Cary*, and Mr *Richard Henry Lee*, to prepare and bring in the same.

Mr *Richard Henry Lee*, presented to the House, according to Order, a Bill To enable certain Adventurers to drain a large Tract of marshy Ground in the Counties of *Nansemond* and *Norfolk*; and the same was read the first Time, and ordered to be read a second Time.

And then the House adjourned until To-morrow Morning 12 o'Clock.

Thursday, the 19th of January, 4 Geo. III. 1764.

A *Petition* of *Abraham Kuykendall*, praying to be reimbursed the Sum of £5.10 which he paid to Surgeons for healing a dangerous Wound in his Body, received in an Attack with the *Indians* on the Frontiers of this Colony, as also some Compensation for his Sufferings.

Also a *Petition* of *John Dickenson*, setting forth that he went out Captain of a Company of Volunteers of *Augusta* County, in Pursuit of the *Indians* who have of late infested those Parts, in *October* last, and came up with them, and had an Engagement, in which he received a Wound in his left Hand, which has rendered it entirely useless; and praying the Consideration of the House therein, and that he may be allowed for a Quantity of Provisions laid in at *Fort Dunlop*, by Orders he received for that Purpose, intended for Part of Colonel *Byrd's* Regiment, which never arrived, and the Provisions spoiled on his Hands, was presented to the House and read.

Ordered, That the said *Petitions* be referred to the Consideration of Mr *Cary*, Mr *Wilson*, Mr *Robert Bolling*, Jun. and Mr *Fleming*; that they examine into the Allegations thereof, and report their Opinion thereon to the House.

Several *Claims* of *John Pulliam*, *William Sergeant*, *Joseph Morehead*, and *Joseph Williams*, for taking up Runaways therein mentioned, were presented to the House and received.

Ordered, That the said *Claims* be referred to the Consideration of the next Session of Assembly.

18 A *Petition* of *Hugh Cunninghame*, setting forth that on the 17th of *July* last the Savages in an Incurfion met with his Father and Mother, and inhumanly murdered them, together with his Wife and Son, captivated his Daughter, and shot him in the
Breast

Breast, the Bullet lodging in his Shoulder; that the Wound is still open, and he labours in much Pain and Anguish; they likewise rode away his Horses, shot down his Cattle in the Fields, burnt his House and Barn, and all his Corn, and left him destitute even of Bread and Clothing; and praying some Compensation for his Losses, was presented to the House and read; and the Question being put that the said Petition be referred to a Committee,

It passed in the Negative.

Resolved, That the said Petition be rejected.

Mr *Cary*, from the Committee appointed, presented to the House, according to Order, a Bill For amending an Act, entitled, *An Act for amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs*; and the same was read the first Time, and ordered to be read a second Time.

A *Petition of Peter Pelham*, Organist, praying to be allowed for his Trouble in performing on the Organ in the Church of the City of *Williamsburg* for the last Year, and during this Session, and for keeping the same in Order, was presented to the House and read.

Resolved, That the Sum of £30 be allowed to the said *Pelham*, for the Services in his Petition mentioned.

Ordered, That the said Resolve be fairly engrossed, and that Mr *Richard Henry Lee* do carry it up to the Council for their Concurrence.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For paying the Burgeesses Wages in Money for this present Session of Assembly; and it is referred to Mr *Cary* to prepare and bring in the same.

An engrossed *Bill*, entitled, *An Act to direct the Sale of certain entailed Lands whereof John Spotswood, Esq; died seized, for Payment of the Debts due from him, and the Estate of Major General Alexander Spotswood*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Edmund Pendleton* do carry up the said Bill to the Council for their Concurrence.

On a *Motion* made,

Ordered, That it be an Instruction to Mr *Cary*, to whom it is referred to bring in a Bill For paying the Burgeesses Wages in Money for this present Session of Assembly, to augment the said Burgeesses Wages to 15s each.

An engrossed *Bill*, entitled, *An Act to empower the Vestry of the Parish of Elizabeth River, in the County of Norfolk, to purchase and improve Lots in the Borough of Norfolk for the Use of the Minister, instead of a Glebe, and to pay their Minister's Salary in Money instead of Tobacco*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Bradley* do carry up the said Bill to the Council for their Concurrence.

A *Petition of Robert Hamilton*, praying some Compensation for the Losses he has of late sustained by the Incursions and Depredations of the Savages, was presented to the House and read; and the Question being put that the said Petition be referred to a Committee,

It passed in the Negative.

Resolved, That the said Petition be rejected.

A written *Message* from the Governour was delivered by Mr *Walthoe*, as follows:

19

Mr *Speaker*, and Gentlemen of the House of Burgeesses,

It gives me great Satisfaction that the Measures I have pursued for the Defence of the Frontiers, expensive as they have proved, have met with your Approbation; but it would have

¹ Hening, VII, p. 387.

² *Ibid.*, VIII, p. 27.

³ *Ibid.*, VIII, p. 14.

have heightened this Pleasure if, consistently with the Circumstances of the Colony, you could have fallen upon some Expedient to have assisted his Majesty's regular Troops in the Plan proposed by his Generals for reducing the Indians to his Obedience, and a Willingness to accept of the Terms of Peace which he generously offers them for the future Security of his Subjects in America.

You may assure yourselves that it shall be my Study to make Use of the Power you put into my Hands in the least expensive, but at the same Time the most effectual Manner, to answer the Purposes for which it is deposited with me.

A Bill For altering the Court Day of the County of Lancaster was read the second Time, and committed to M^r Cary, and the Members of Lancaster and Gloucester.

An engrossed Bill, entitled, *An Act to vest certain entailed Lands whereof William Cary is seized, in Allen Jones, in Fee Simple, and for settling other Lands and Slaves to be purchased in Lieu thereof*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That M^r Edmund Pendleton do carry it up to the Council for their Concurrence.

A Bill To enable the Nottoway and Nansemond Indians to sell certain Lands belonging to them, and for other Purposes therein mentioned, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

An engrossed Bill, entitled, *An Act to dock the Entail of certain Lands whereof Charles Carter, Esq; is seized, and for settling other Lands of greater Value to the same Uses*, was read the third Time.

Resolved, That the said Bill do pass.

Ordered, That M^r Attorney do carry up the said Bill to the Council for their Concurrence.

An engrossed Bill, entitled, *An Act to empower the Corporation of the City of Williamsburg to assess Taxes on the Inhabitants thereof for the Purposes therein mentioned, and for repealing a certain Act of Assembly therein also mentioned*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That M^r Attorney do carry it up to the Council for their Concurrence.

An engrossed Bill, entitled, *An Act for appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That M^r Attorney do carry up the said Bill to the Council for their Concurrence.

A Bill For establishing a Ferry from the Land of Thomas Caffon, over Rappahannock River, to the opposite Shore in Caroline, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A Bill To enable certain Adventurers to drain a large Tract of marshy Ground in the Counties of Nansemond and Norfolk, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

M^r Cary presented to the House, according to Order, a Bill For paying the Burgeesses Wages in Money for this present Session of Assembly; and the same was read the first Time, and ordered to be read a second Time.

A Bill For opening and clearing a Road through Rockfish Gap over the Mountains, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A Bill To empower the Vestry of the Parish of Bath, in the County of Dinwiddie, to sell their Glebe, and purchase a more convenient One, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

An

¹ Hening, VIII, p. 34.

² *Ibid.*, VIII, p. 25.

³ *Ibid.*, VIII, p. 21.

⁴ *Ibid.*, VIII, p. 9.

An Act¹ For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

On a Motion made,

A Bill For paying the Burgeffes Wages in Money for this present Session of Assembly was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

And then the House adjourned until To-morrow Morning 12 o'Clock.

Friday, the 20th of January, 4 Geo. III. 1764.

A N engrossed Bill, entitled, *An Act² to enable certain Adventurers to drain a large Tract of marshy Ground in the Counties of Nanfemond and Norfolk*, was read a third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr Fleming do carry up the said Bill to the Council for their Concurrence.

A Message from the Council was delivered by Mr Walthoe.

That they have agreed to the Bill, entitled, *An Act³ for appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned.*

Also to the Bill, entitled, *An Act⁴ for discontinuing the Warehouses on the fourth Side of Nomony River, and establishing others at a more convenient Landing.*

Also to the Bill, entitled, *An Act⁵ to empower the Corporation of the City of Williamsburg to assess Taxes on the Inhabitants thereof for the Purposes therein mentioned, and for repealing a certain Act of Assembly therein also mentioned.*

Also to the Bill, entitled, *An Act⁶ to empower the Vestry of the Parish of Elizabeth River, in the County of Norfolk, to purchase and improve Lots in the Borough of Norfolk, for the Use of the Minister, instead of a Glebe, and to pay their Minister's Salary in Money instead of Tobacco.*

Also to the Bill, entitled, *An Act⁷ to dock the Entail of certain Lands whereof Charles Carter, Esq; is seized, and for settling other Lands of greater Value to the same Uses.*

Also to a Resolve of this House For allowing Edward Hubbard £361.17.6 for the Purposes therein mentioned.

An engrossed Bill, entitled, *An Act⁸ to empower the Vestry of the Parish of Bath, in the County of Dinwiddie, to sell their Glebe, and purchase a more convenient One*, was read a third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr Claiborne do carry up the said Bill to the Council for their Concurrence.

An engrossed Bill, entitled, *An Act⁹ to enable the Nottoway and Nanfemond Indians to sell certain Lands belonging to them, and for other Purposes therein mentioned*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr Gray do carry up the said Bill to the Council for their Concurrence.

An engrossed Bill, entitled, *An Act¹⁰ for opening and clearing a Road through Rockfish Gap over the Mountains*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered

¹ Hening, VII, p. 387.

² *Ibid.*, VIII, p. 18.

³ *Ibid.*, VIII, p. 9.

⁴ *Ibid.*, VIII, p. 17.

⁵ *Ibid.*, VIII, p. 21.

⁶ *Ibid.*, VIII, p. 14.

⁷ *Ibid.*, VIII, p. 25.

⁸ *Ibid.*, VIII, p. 24.

⁹ Not in Hening.

¹⁰ Hening, VIII, p. 16.

Ordered, That Mr *Christian* do carry up the said Bill to the Council for their Concurrence.

A *Petition* of *Robert Andrews*, praying to be allowed a Recompense for the Wounds he received in the Service of the Country, in a late Engagement with the Enemy *Indians*, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee to whom the *Petitions* of *Kuykendall* and *Dickenson* were referred; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

An engrossed *Bill*, entitled, *An Act for amending an Act, entitled, An Act for amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs*, was read the third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *Cary* do carry up the said Bill to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for establishing a Ferry from the Land of Thomas Caffon, over Rappahannock River, to the opposite Shore in Caroline*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Charles Carter* do carry it up to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for paying the Burgeffes Wages in Money for this present Session of Assembly*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Cary* do carry up the said Bill to the Council for their Concurrence.

On a *Motion* made,

Resolved, That the several Sums following be paid to the several Officers of the General Assembly, respectively:

To <i>John Randolph</i> , Esq; Clerk of the House of Burgeffes,	£ 75
To <i>Nathaniel Walthoe</i> , Esq; Clerk of the General Assembly,	30
To the Rev. Mr <i>William Yates</i> , Chaplain,	20
To Mr <i>Francis Eppes</i> , Sergeant at Arms,	20
To the Doorkeeper of the Council,	15
To <i>James Lavie</i> ,	Doorkeepers to the House {
To <i>Nathaniel Hix</i> ,	
To <i>John Broadrib</i> ,	
To <i>Thomas Francis</i> ,	

Ordered, That Mr *Cary* do carry it up to the Council for their Concurrence.

Several *Claims* of *Peter Pierce*, *George Neavill*, Jun. *Francis Farnell*, *Abraham Symfon*, *Moses Bledsoe*, *William Symfon*, and *Anthony Foster*, for taking up Runaways therein mentioned, were presented to the House and received.

Ordered, That the said *Claims* be referred to the Consideration of the next Session of Assembly.

Ordered, That the Committee to examine the enrolled Bills do consist of the following Persons, viz. Mr *Wythe*, Mr *Grymes*, Mr *Bradley*, Mr *Richard* and *Henry Lee*.

A *Message* from the Council was delivered by Mr *Walthoe*.

That they have agreed to the Bill, entitled, An Act to enable certain Adventurers to drain a large Tract of marshy Ground in the Counties of Nanfemond and Norfolk.

Also to the Bill, entitled, An Act To empower the Vestry of the Parish of Bath, in the County of Dinwiddie, to sell their Glebe, and purchase a more convenient One.

Also to the Bill, entitled, An Act for opening and clearing a Road through Rockfish Gap over the Mountains.

Also

¹ Hening, VIII, p. 12.

² *Ibid.*, VIII, p. 19

³ Not in Hening.

⁴ Hening, VIII, p. 18.

⁵ *Ibid.*, VIII, p. 24.

⁶ *Ibid.*, VIII, p. 16.

Also to a Resolve of this House For allowing Joseph Royle, Printer, £375 per Annum.

On a *Motion* made,

Ordered, That it be an Instruction to the Persons to whom the Bill For altering the Court Day of *Lancaster* County was committed, that they receive a Clause or Clauses for altering the Court Day of *Warwick*, *Chesterfield*, and *Gloucester* Counties.

Mr *Cary*, from the Persons to whom the Bill For altering the Court Day of the County of *Lancaster* was referred, reported that the Committee had made several Amendments thereto; which he read in his Place, and then delivered the Bill, with the Amendments, in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill, with the Amendments, be engrossed, and read a third Time.

A *Message* from the Council was delivered by Mr *Walthoe*.

That they have agreed to the Bill, entitled, An Act¹ to direct the Sale of certain entailed Lands whereof John Spotswood, Esq; died seized, for Payment of the Debts due from him, and the Estate of Major General Alexander Spotswood.

Also to a Bill, entitled, An Act² to vest certain entailed Lands whereof William Cary is seized, in Allen Jones, in Fee Simple, and for settling other Lands and Slaves to be purchased in Lieu thereof.

Also to the Bill, entitled, An Act³ for amending an Act, entitled, An Act for amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs.

Also to the Bill, entitled, An Act⁴ for establishing a Ferry from the Land of Thomas Caffon, over Rappahannock River, to the opposite Shore in Caroline.

Also to the Resolve of this House, For paying the Officers Salaries.

Mr *Cary*, from the Persons to whom the Petition of *James Wilson*, *Robert Clandening*, *John Dickenson*, *Abraham Kuykendall*, and *Robert Andrews*, were referred, reported that they had had the same under their Consideration, and had agreed upon a Report, and come to several Resolutions thereon; which he read in his Place, and then delivered 23 in at the Table, where they were again twice read, and agreed to by the House, and are as follow:

Resolved, That the Petitioners *James Wilson* and *Robert Clandening* be allowed the Sum of £40 each, to enable them to discharge the Demands of the Doctor, and other Expenses, incurred by the Wounds they received in the Service of their Country.

Resolved, That the said *James Wilson* and *Robert Clandening* be allowed the Sum of £10 each per Annum, for their Support during their Lives, they having both lost the Use of their right Arms in the said Service.

Resolved, That the said *John Dickenson* be allowed the Sum of £200, as a Compensation for the Loss of the Use of his Hand in the Service of the Country.

Resolved, That the said *John Dickenson* be allowed for 7529 lbs. of Beef, laid in at Fort *Dunlop*, the Sum of £46.16; and for killing, providing Salt, salting, and smoking the said Beef, £12.4; and for two Years Interest thereon, £5.18; amounting in the Whole to £64.18.

Resolved, That the Petition of the said *Abraham Kuykendall* be rejected, it appearing that he was not employed in the Service of the Country.

Resolved, That the Petitioner *Robert Andrews* be allowed the Sum of £20, to enable him to discharge the Demand of the Doctor, and other Expenses, incurred by the Wound he received in the Service of this Country.

Resolved, That the said *Robert Andrews* be allowed the further Sum of £10 per Annum, for his Support during his Life, he having lost the Use of his right Arm in the said Service.

Ordered, That the said Resolves be engrossed, and that Mr *Cary* do carry them to the Council for their Concurrence.

Mr

¹ Hening, VIII, p, 27.

² *Ibid.*, VIII, p, 34.

³ *Ibid.*, VIII, p, 12.

⁴ *Ibid.*, VIII, p, 19.

Mr Thomas Johnson, from the Persons to whom the Petition of *Joseph Terry*, Jun. *Joseph Winston*, and *Robert Goodwin*, were referred, reported that they had examined into the Allegations thereof, and found them to be true, and had agreed upon a Report, and come to two Resolutions thereon; which he read in his Place, and then delivered them in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the said *Joseph Terry* and *Joseph Winston* be allowed the Sum of £25 each, to enable them to discharge the Doctors Accounts, and to recompense them for their Loss of Time after they were disbanded, while they continued lame of the Wounds they received in the Service of the Publick.

Resolved, That the Petitioner *Robert Goodwin* be allowed the Sum of £11.7.6, the Expenses he incurred from the Wounds he received in the Service of his Country.

Ordered, That the said Resolves be engrossed, and that Mr Cary do carry them up to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for altering the Court Days of the Counties of Lancaster, Gloucester, Chesterfield, and Warwick*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That Mr Cary do carry up the said *Bill* to the Council for their Concurrence.

And then the House adjourned until To-morrow Morning 12 o'Clock.

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Saturday, the 21st of January, 4 Geo. III. 1764.

A Message from the Council was delivered by Mr Walthoe.

That they have agreed to the Bill, entitled, An Act for altering the Court Days of the Counties of Lancaster, Gloucester, Chesterfield, and Warwick.

Also to the Resolve of this House For allowing Peter Pelham £30, for the Services therein mentioned.

Also to the several Resolves For allowing the Wounded Officers and Soldiers the several Sums therein mentioned.

Mr Wythe reported that the Committee appointed had, according to Order, examined the enrolled Bills and Resolves, and rectified such Mistakes as were found therein, and that they were truly enrolled.

Ordered, That Mr Wythe do carry up the said Bills and Resolves to the Council for their Inspection.

A Message from the Council by Mr Walthoe,

That they have inspected the enrolled Bills and Resolves, and are satisfied they are truly enrolled.

A Message from the Governour by Mr Walthoe.

Mr Speaker,

The Governour commands the immediate Attendance of this House in the Council Chamber, and that you bring with you such Bills and Resolves as are ready for his Assent.

Mr Speaker, with the House, went up accordingly, and the Governour was pleased to give his Assent to the following Bills:

1. *An Act for appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned.*

2. *For amending an Act, entitled, An Act for amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs.*

To

¹ Hening, VIII, p. 23.

² *Ibid.*, VIII, p. 23.

³ *Ibid.*, VIII, p. 9.

⁴ *Ibid.*, VIII, p. 12.

3. ¹To empower the Vestry of the Parish of Elizabeth River, in the County of Norfolk, to purchase and improve Lots in the Borough of Norfolk for the Use of the Minister, instead of a Glebe, and to pay their Minister's Salary in Money instead of Tobacco.

4. ²For opening and clearing a Road through Rockfish Gap over the Mountains.

5. ³For discontinuing the Warehouses on the south Side of Nomony River, and establishing others at a more convenient Landing.

6. ⁴To enable certain Adventurers to drain a large Tract of marshy Ground in the Counties of Nanefmond and Norfolk.

7. ⁵For establishing a Ferry from the Land of Thomas Caffon, over Rappahannock River, to the opposite Shore in Caroline.

8. ⁶To empower the Corporation of the City of Williamsburg to assess Taxes on the Inhabitants thereof for the Purposes therein mentioned, and for repealing a certain Act of Assembly therein also mentioned.

9. ⁷For altering the Court Days of the Counties of Lancaster, Gloucester, Chesterfield, and Warwick.

10. ⁸An Act to empower the Vestry of the Parish of Bath, in the County of Dinwiddie, ²⁵ to sell their Glebe, and purchase a more convenient One.

11. ⁹To dock the Entail of certain Lands whereof Charles Carter, Esq; is seized, and for settling other Lands of greater Value to the same Uses.

12. ¹⁰To direct the Sale of certain entailed Lands whereof John Spotswood, Esq; died seized, for Payment of the Debts due from him, and the Estate of Major General Alexander Spotswood.

13. ¹¹To vest certain entailed Lands whereof William Cary is seized, in Allen Jones, in Fee Simple, and for settling other Lands and Slaves to be purchased in Lien thereof.

Also to the following Resolves:

1. For allowing Joseph Royle £375 a Year, for the Purposes therein mentioned.

2. For paying Alexander Waugh £361. 17. 6, for the Purposes therein mentioned.

3. For paying to the Officers and Soldiers the several Sums therein mentioned.

4. For allowing Peter Pelham £30, for his Services as Organist.

5. For allowing the Officers of the General Assembly the several Sums therein mentioned.

And then closed the Session with the following Speech:

Gentlemen of the Council, Mr Speaker, and Gentlemen of the House of Burgeffes,

As you have gone through all the Business that was before you, I shall now dismiss you from any further Attendance on this Session of Assembly; but I cannot do this without expressing the just Sense I have of the Confidence you so kindly place in me, by leaving the Defence of your Frontiers under my Direction. This shows your Approbation of the Measures I pursued the last Summer, and your Approbation is always Matter of great Pleasure to me; and that I may not hereafter forfeit it, you may assure yourselves that I shall employ the Power I am vested with in the best Manner I am able to answer the Purposes intended by it. In doing this, I shall endeavor to post such of the Militia as it may be judged necessary to employ in such a Manner as to cover the Country, if possible, and thereby perhaps give some Assistance to any Plan of Operation proposed by the Commanders of his Majesty's Troops, as far as that Service can be done without marching our Men out of the Colony, and exposing our own Settlements. I shall now prorogue you, and you are accordingly prorogued, to the last Thursday in April next.

¹ Hening, VIII, p. 14.

² Ibid., VIII, p. 16.

³ Ibid., VIII, p. 17.

⁴ Ibid., VIII, p. 18.

⁵ Ibid., VIII, p. 19.

⁶ Ibid., VIII, p. 21.

⁷ Ibid., VIII, p. 23.

⁸ Ibid., VIII, p. 24.

⁹ Ibid., VIII, p. 25.

¹⁰ Ibid., VIII, p. 27.

¹¹ Ibid., VIII, p. 34.

JOURNAL

of the

HOUSE OF BURGESSES

1764

October Session

Burgeffes.

Accomac	Thomas Parramore Southey Simpfon	Hanover	James Littlepage John Syme
Albemarle	Thomas Walker Henry Fry	Henrico	Bowler Cocke *Philip Mayo
Amelia	David Greenhill Thomas Tabb	Isle of Wight	James Bridger Dolphin Drew
Amherft	William Cabell Cornelius Thomas	James City	Lewis Burwell Philip Johnfon
Augufta	Ifrael Chriftian John Wilfon	Jameftown	Edward Champion Travis
Bedford	William Callaway John Talbot	King & Queen	John Pendleton John Robinfon
Brunfwick	William Thornton Ifaac Rowe Walton	King George	Charles Carter William Champe
Buckingham	*Robert Bolling, Jr. Jofeph Cabell	King William	Bernard Moore Carter Braxton
Caroline	John Baylor Edmund Pendleton	Lancafter	Charles Carter Richard Mitchell
Charles City	Benjamin Harrifon William Kennon	Loudoun	Francis Lightfoot Lee James Hamilton
Chefterfield	Archibald Cary Richard Eppes	Louifa	William Johnfon Thomas Johnfon
The College	Mann Page	Lunenburg	Henry Blaggrave Clement Reade, Jr.
Culpeper	John Field James Barbour	Middlefex	John Smith *Gawin Corbin
Cumberland	John Fleming Thomas Proffer	Nanfemond	Willis Riddick Lemuel Riddick
Dinwiddie	Robert Bolling Leonard Claiborne, Jr.	New Kent	Burwell Baffett Richard Adams
Elizabeth City	George Wythe William Wager	Norfolk	William Bradley Thomas Veal
Effex	John Lee John Uphaw	Norfolk Borough	Joseph Hutchings
Fairfax	George Johnfton John Weft	Northampton	John Harmanfon Thomas Dalby
Fauquier	Thomas Harrifon Thomas Marfhall	Northumberland	Richard Hull Spencer Ball
Frederick	George Wafhington George Mercer	Orange	James Taylor James Walker
Gloucefter	Thomas Whiting John Page	Prince Edward	Peter Legrand *Abner Nafh
Goochland	John Payne Jofias Payne	Prince George	Richard Bland Richard Bland, Jr.
Halifax	Nathaniel Terry *Edward Booker	Prince William	John Baylis Henry Lee
Hampfhire	James Mercer Thomas Rutherford	Princels Anne	Edward Hack Mofeley Anthony Walke

*Not fhown by the Journal to have been prefent during the Affembly.

Richmond	John Woodbridge	Suffex	David Malon
	Landon Carter		John Edmunds
Southampton	*Joseph Gray	Warwick	William Digges
	Benjamin Symmons		William Harwood
Spotfylvania	Fielding Lewis	Weftmoreland	Richard Henry Lee
	Benjamin Grymes		Richard Lee
Stafford	William Fitzhugh	Williamfburg	Peyton Randolph
	Thomas L. Lee	York	Dudley Digges
Surry	Hartwell Cocke		Thomas Nelson, Jr.
	William Bailey		

*Not fhown by the Journal to have been prefent during the Affembly.

Changes in the Perfonnel, 1764.

October Seflion.

Albemarle	Henry Fry fucceeded John Fry
Cumberland	Thomas Proffer fucceeded George Carrington
Halifax	Edward Booker fucceeded Robert Wade
King George	William Champe fucceeded Charles Carter, Sr.
Middlefex	Gawin Corbin fucceeded Ralph Wormeley
Spotfylvania	Benjamin Grymes fucceeded William Johnfton

JOURNAL

of the

HOUSE OF BURGESSES

Tuesday, the 30th of October, 5 Geo. III. 1764.

A Message from the Governour was delivered by Mr Walthoe,
Mr Speaker, and Gentlemen of the House of Burgeffes,
The Governour commands the immediate Attendance of your House in the Council Chamber.

Accordingly Mr Speaker, with the House, went up to attend the Governour.

And being returned, reported that the House had attended the Governour in the Council Chamber, and that he was pleased to make a Speech to the Council and this House, of which he had, to prevent Mistakes, obtained a Copy; which he read in his Place, and afterwards delivered in at the Table, where it was again twice read, and is as follows:

Gentlemen of the Council, Mr Speaker, and Gentlemen of the House of Burgeffes,

You are now met in General Assembly, after a long Recess, to consider of and go through the Business of the Country, and such other Points as may be offered for your Deliberation. In the Course of this Session many Matters of Importance will come under your Consideration; and by the long previous Notice you have had of the Time of your assembling, I hope I now meet you prepared to undergo with Patience and Cheerfulness the Fatigue which a long Session unavoidably brings with it.

Besides the ordinary Business of the Session, I have it in Charge to lay before you, and earnestly recommend to your most serious Attention, a Proposition made by the Merchants of Great Britain trading to this Colony to the Right Honourable the Board of Trade, relating to their having their Sterling Debts secured to them by a Payment in Sterling Money: This is reasonable on the Face of it; and the Lords of Trade have left it to you to provide for it yourselves, by any Means you shall think most expedient to effect that Purpose, before they referred the Complaints of the Merchants to the British Parliament. This Lenity of their Lordships demands a suitable Return from you: And that you may be the better enabled to answer their Expectations, I shall immediately lay before you a Minute of the Proceedings of that Right Honourable Board, and the Letter their Lordships have sent to me on that Head. By a now Long Experience, I have always found you disposed to do Justice to all Men; and I hope this Disposition will induce you to give that Justice to the Merchants which shall be satisfactory, not only to his Majesty and his Ministers, but to the Merchants themselves. This Letter I have long since received; but being unwilling to give you an additional Trouble, and create an unnecessary Expense to the Country, I did not immediately convene you, but postponed it to this Time, when it was thought proper you should meet, as I judged this would answer the Purpose intended: But then, Gentlemen, I undertook to answer for you that you should enter upon this Matter immediately on your Meeting, that I might be enabled to transmit to their Lordships your Acts, in Consequence of the Proposition offered you, Time enough for their Lordships to make that Use of them which they should think proper. That I may perform this Engagement, which I have entered into on your Account, I make

no Doubt but that you will, without Delay, proceed on this Business; and that the Result of your Deliberations will do Honour to yourselves, Justice to the Merchants, and give Satisfaction to the Ministry.

I shall also lay before you a Letter I have very lately received from the Earl of Halifax, one of his Majesty's principal Secretaries of State, relative to the Establishment of Ferries, and other Articles for the Convenience of the Post which is designed to be carried on with great Regularity through the vast Continent of North America; which by our late glorious Successes, is now become Part of his Majesty's Dominions. The Usefulness of a regular Post to a commercial People is so great, and so well known, that I flatter myself the bare mentioning it, and the laying the Letter before you, will be sufficient, without my saying more on the Subject, to induce you to enter heartily into that Measure.

I have received seven Acts of Parliament passed in the last Session, in which all his Majesty's Colonies are concerned; which I have deposited in the Council Office, as the most proper Place to be ready at Hand for your Inspection, at all Times when you shall have Occasion to look into them.

The Disturbances which the Incursions of the Indians have occasioned in our back Settlements, during the Course of the last Summer, have made it unsafe for me wholly to disband the Militia; but by the Consent, and Advice of his Majesty's Council, I have repeatedly reduced them as low as the Security of the Inhabitants of the Frontiers would permit. But still I fear the Expenses will be found great; though the Bounty of the British Parliament has enabled you to discharge a large Part of it, and thereby reduced the Levies to be laid on the People, to defray these unhappy, though necessary Expenses. But,

Mr Speaker, and Gentlemen of the House of Burgeffes.

There will still remain a Part to be raised on the Inhabitants which it is your Duty to provide for, in the doing which I have no Reason to doubt of your Tendernefs to the People; whose Duty it is, on their Part, to submit with Cheerfulness to Expenses originally undertaken for their own Defence.

Gentlemen of the Council and of the House of Burgeffes,

My Regard for the Welfare of this Colony is, I hope, too well known at this Day to admit of a Doubt: All I ask in Return is that you should all of you collectively, and every one particularly, engage earnestly in the Work before you; and with serious Attention, cool Deliberation, zealous Affection to his Majesty, and a salutary Unanimity, go through the important Points recommended to you, and all other Matters which shall occasionally offer themselves for your Determination.

Resolved, That an humble Address be made to his Honour the Governour, to return him the Thanks of this House for his kind and affectionate Speech, at the Opening of this Session, and to assure him we are assembled with a full Resolution to encounter any Fatigue that may be necessary in the Discharge of our Duty to his Majesty, and effecting all imaginable Justice to the Community.

Ordered, That a Committee be appointed to draw up an Address to the Governour, pursuant to the said Resolution; and it is referred to Mr Landon Carter and Mr Attorney, to prepare and bring the same.

Resolved, That this House will take the Governour's Speech into Consideration on Thursday next.

Mr Speaker reported that the Governour had delivered to him the several Letters mentioned in his Speech, which he had desired him to lay before the House.

And the said Letters were read, and ordered to lie on the Table.

Two Members returned upon new Writs, having taken the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, and taken and subscribed the Oath of Abjuration, and also subscribed the Test, were admitted to their Places in the House.

Ordered, That an Address be made to the Governour to order a new Writ to issue for electing a Burgess to serve in this present General Assembly for Cumberland, in the Room

Room of Mr *Carrington*, who hath accepted of the Office of Sheriff; and that Mr *Cary* do wait on his Honour with the said Addrefs.

Ordered, That an Addrefs be made to the Governour, to order a new Writ to issue for electing a Burgefs to ferve in this prefent Affembly for the County of *Albemarle*, in the Room of Mr *Fry*, who fince his Election hath accepted of the Office of Coroner; and that Mr *Walker* do wait on his Honour with the said Addrefs.

Ordered, That an Addrefs be made to the Governour, to order a new Writ to issue for electing a Burgefs to ferve in this prefent General Affembly for the County of *King George*, in the Room of Mr *Charles Carter*, deceased; and that Mr *Cary* do wait on his Honour with the said Addrefs.

Ordered, That an Addrefs be made to the Governour, to order a new Writ to issue for electing a Burgefs to ferve in this prefent General Affembly for the County of *Middlesex*, in the Room of Mr *Ralph Wormeley*, who fince his Election hath accepted a Place of Profit; and that Mr *John Smith* do wait on his Honour with the said Addrefs.

Ordered, That an Addrefs be made to the Governour to order a new Writ to issue for electing a Burgefs to ferve in this prefent General Affembly for the County of *Halifax*, in the Room of Mr *Wade*, deceased; and that Mr *Bland* do wait on his Honour with the said Addrefs.

Ordered, That the Reverend Mr *Price* be appointed Chaplain to this Houfe, and that he attend to read Prayers every Morning at 10 o'Clock.

Ordered, That the feveral Door Keepers be continued in their refpective Offices, and that they give their Attendance accordingly.

And then the Houfe adjourned until To-morrow Morning 11 o'Clock.

Wednesday, the 31st of October. 5 Geo. III. 1764.

A Member returned on a new Writ, having taken the Oaths appointed by Act of Parliament to be taken inftead of the Oaths of Allegiance and Supremacy, and taken and fubfcribed the Oath of Abjuration, and alfo fubfcribed the Teft, was admitted to his Place in the Houfe.

Mr *Landon Carter* reported that the Committee appointed had, according to Order, prepared an Addrefs to the Governour; which he read in his place, and then delivered in at the Table, where it was again twice read, and agreed to by the Houfe, and is as follows:

Sir,

Permit us to make our grateful Acknowledgments to your Honour for your kind and affectionate Speech, at the Opening of this Seflion. And that we may never be thought wanting in a proper filial Refpect to our moft gracious Sovereign (a Thing too Sacred to be omitted) we beg Leave to affure your Honour that we fhall not, upon any Occafion whatever, think any Endeavour (neceffary to demonftrate fuch our Duty to his Majesty) can be attended with a Fatigue which we will not with great Cheerfulnefs encounter.

We perfuade ourfelves that we have fo well convinced Mankind of our ftrict Attention to focial Juftice, as at this Day to be fufficiently fecured from every the leaft Doubt of our being governed by Motives truly upright in our Condu&t; and we flatter ourfelves that, with every unprejudiced Member of the Community, not only our paff but our future Tranfactions will appear in the fame amiable Light, when impartially and judiciously confidered. With fuch falutary Ends constantly in our View, we hope we fhall always be excufed when we decline any Meafure (however propofed) that we do not think productive of them. We are fo well fatisfied of your great Regard for the Welfare of this Colony, that we beg your Honour will reft affured that every Engagement that you have entered into on our Part fhall be attended to with that cool Deliberation, and Defpatch, which you have recommended.

Ordered, That the said Addrefs be fairly tranfcribed, and prefented by the whole Houfe.

Ordered

Ordered, That the Committee who prepared the same do wait on the Governour, to know his Pleasure when this House shall attend his Honour to present it.

Ordered, That a Committee of Privileges and Elections be appointed, of the following Persons:

Mr Attorney,	Mr Bland,
Mr John Baylor,	Mr John Page,
Mr Landon Carter,	Mr Thomas Ludwell Lee,
Mr Bernard Moore,	Mr Richard Henry Lee,
Mr William Digges,	Mr Lewis Burwell,
Mr George Wythe,	Mr Edmund Pendleton,
Mr Benjamin Harrison,	Mr Thomas Whiting,
Mr Dudley Digges,	Mr Lemuel Riddick,
Mr Mann Page,	Mr George Johnston,
	Mr John Woodbridge.

And they are to meet and adjourn from Day to Day, and to examine, in the first Place, all Returns of Writs for electing Burgesses to serve in this present General Assembly, and to compare the same with the Form prescribed by Law; and to take unto their Consideration all such Matters as shall or may come in Question touching Returns, Elections, and Privileges, and to report their Proceedings, with their Opinions thereupon, from Time to Time, to the House. And the said Committee is to have Power to send for Persons, Papers and Records, for their Information.

Ordered, That a Committee of Propositions and Grievances be appointed of the following Persons:

Mr Bland,	Mr Attorney-General.
Mr Landon Carter,	Mr Moseley,
Mr John Baylor,	Mr Lemuel Riddick,
Mr Moore,	Mr Robert Bolling,
Mr Cary,	Mr Francis Lee,
Mr Edmund Pendleton,	Mr Lewis,
Mr William Digges,	Mr Philip Johnson,
Mr Benjamin Harrison,	Mr George Johnston,
Mr Wythe,	Mr John Smith,
Mr Burwell,	Mr Bassett,
Mr Charles Carter, K. George, ¹	Mr Thomas Walker,
Mr Thomas Ludwell Lee,	Mr Grymes,
Mr Richard Henry Lee,	Mr Wilson,
Mr Dudley Digges,	Mr James Taylor,
Mr Mann Page,	Mr Kennon,
Mr John Page,	Mr Walke,
Mr Nelson,	Mr Harwood,
Mr Washington,	Mr Braxton,
Mr Whiting,	Mr Tabb,
Mr Eppes,	Mr Charles Carter, Corotoman,
Mr Syme,	Mr Woodbridge,
	Mr Bowler Cocke.

And they are to meet and adjourn from Day to Day, and to take into their Consideration all Propositions and Grievances that shall come legally certified to this Assembly, and to report their Proceedings, with their Opinions thereupon, from Time to Time, to the House: And all such Propositions and Grievances are to be delivered to the Clerk of the House, and by him to the said Committee, of Course. And the said Committee is to have Power to send for Persons, Papers, and Records, for their Information.

Ordered

¹ King George County.

Ordered, That a Committee of Publick Claims be appointed, of the following Persons:

	<i>Mr Archibald Cary,</i>
<i>Mr Walke,</i>	<i>Mr Bradley,</i>
<i>Mr Ball,</i>	<i>Mr Upshaw,</i>
<i>Mr Richard Lee,</i>	<i>Mr Harmanfon,</i>
<i>Mr Wilfon,</i>	<i>Mr Mafon,</i>
<i>Mr Thornton,</i>	<i>Mr Simmonds,</i>
<i>Mr Hartwell Cocke,</i>	<i>Mr Littlepage,</i>
<i>Mr Travis,</i>	<i>Mr Harwood,</i>
<i>Mr Christian,</i>	<i>Mr Parramore,</i>
<i>Mr West,</i>	<i>Mr Rutherford,</i>
<i>Mr Willis Riddick,</i>	<i>Mr Hamilton,</i>
<i>Mr John Lee,</i>	<i>Mr Payne,</i>
<i>Mr Adams,</i>	<i>Mr Terry,</i>
<i>Mr Hull,</i>	<i>Mr Read.</i>

And they are to meet and adjourn from Day to Day, and to take into their Consideration all publick Claims referred from the laft to this Seflion of Affembly, and alfo all fuch Claims as fhall be regularly certified and prefented to this Seflion; and to report their Proceedings, with their Opinions thereon, to the Houfe, when they have gone through the faid Claims. And they are to have Power to fend for Persons, Papers, and Records, for their Information.

Ordered, That a Committee for Courts of Juftice be appointed, of the following Persons:

	<i>Mr Edmund Pendleton,</i>
<i>Mr Landon Carter,</i>	<i>Mr Wilham Cabell,</i>
<i>Mr Wythe,</i>	<i>Mr Barber,</i>
<i>Mr Joseph Cabell,</i>	<i>Mr Mercer,</i>
<i>Mr Le Grand,</i>	<i>Mr Bailey,</i>
<i>Mr Thomas Harrifon,</i>	<i>Mr Read,</i>
<i>Mr James Taylor,</i>	<i>Mr Drew,</i>
<i>Mr John Pendleton,</i>	<i>Mr Edmunds,</i>
<i>Mr Dalby,</i>	<i>Mr Jofiah Payne,</i>
<i>Mr Thomas,</i>	<i>Mr Talbot.</i>

And they are to meet and adjourn from Day to Day, and to take into their Consideration all Matters relating to Courts of Juftice, and fuch other Matters as fhall from Time to Time be referred to them, and report their Proceedings, with their Opinions thereon, to the Houfe. And the faid Committee are to infpect the Journals of the 5th and 6th Seffions of this prefent General Affembly, and draw up a State of the Matters then depending and undetermined, and the Progreffs that was made therein, and report the fame to the Houfe: That they do alfo examine what Laws have expired fince the laft Seflion, and infpect fuch temporary Laws as will expire with the End of this Seflion, or are near expiring; and report the fame to the Houfe, with their Opinions which of them are fit to be revived and continued.

Ordered, That a Committee of Trade be appointed of the following Persons:

	<i>Mr Benjamin Harrifon,</i>
<i>Mr Mofeley,</i>	<i>Mr Blaggrave,</i>
<i>Mr Walke,</i>	<i>Mr Bradley,</i>
<i>Mr Whiting,</i>	<i>Mr Lewis,</i>
<i>Mr Christian,</i>	<i>Mr Terry,</i>
<i>Mr Upshaw,</i>	<i>Mr Richard Henry Lee,</i>
<i>Mr Lemuel Riddick,</i>	<i>Mr Wythe,</i>
<i>Mr John Smith,</i>	<i>Mr Veal,</i>
<i>Mr Adams,</i>	<i>Mr Simpfon,</i>
	<i>Mr Marfhall.</i>

And

And they are to meet and adjourn from Day to Day, and to take into their Consideration all Things relating to the Trade of this Colony, and all Matters that shall be from Time to Time to them referred; and to report their Proceedings, with their Opinions thereon, to the House. And the said Committee are to have Power to send for Persons, Papers, and Records, for their Information.

Ordered, That Mr *George Davenport* be continued Clerk to the Committees of Privileges and Elections, and Propositions and Grievances; Mr *Miles Cary*, Clerk to the Committee of Claims; Mr *Thomas Everard*, Clerk to the Committee for Courts of Justice; and Mr *Hind Ruffell*, to the Committee of Trade; and that they give their Attendance accordingly.

A *Petition* of *Jacob Boius*, setting forth that being a Soldier in Captain *Ingles's* Company at *Chiswell's* Mines, in *January* last, was unfortunately left in the Deserts of the Mountains, and through the Inclemency of the Weather got frostbitten, by which Means he hath lost the Use of his Feet and rendered incapable of getting his Livelihood; and praying the Consideration of the House therein, was presented to the House and read. 16

Ordered, That the said *Petition* be referred to the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Sundry *Claims* from the Counties of *Richmond*, *Prince George*, *Westmoreland*, *Lunenburg*, and *Southampton*, for taking up several Runaways therein mentioned, and for sundry publick Services therein also mentioned, were severally presented to the House, and referred to the Consideration of the Committee of Claims.

A *Petition* of Mr *Nathaniel West Dandridge*, complaining of an undue Election and Return of Mr *James Littlepage* to serve as a Burgess in this present General Assembly for the County of *Hanover*, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Committee of Privileges and Elections; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

An *Account* of *John Hickman*, for Ferriages of Runaways, &c., was presented to the House and received, and referred to the Committee of Claims.

And then the House adjourned until To-morrow Morning 11 o'Clock. 17

Thursday, the 1st of November, 5 Geo. III. 1764.

MR *Bland*, from the Committee of Privileges and Elections, reported that the Committee had had under their Consideration the Returns of several Writs for electing Burgesses to serve in this present General Assembly for the Counties of *Hanover*, *Isle of Wight*, and *Lunenburg*, and had agreed on a Report, and come to two Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Returns of the Writs for electing Burgesses for the Counties of *Hanover* and *Isle of Wight* are made in the Form prescribed by Law.

Resolved, That the Return of the Writ for electing a Burgess for the County of *Lunenburg* is not made in the Form prescribed by Law.

Ordered, That the Return of the Writ mentioned in the last Resolution be amended by the Clerk at the Table.

Sundry *Claims* of *John Ford*, *John Hickman*, *John Durham*, *Benjamin Wheeler*, *John Mullins*, Sen. *Benjamin Thomas*, *Matthew Moore*, and *Daniel Hawmach*, of the County of *Albemarle*, for taking up several Runaways therein mentioned, were severally presented to the House and read. 18

Ordered, That the said *Claims* be referred to the Consideration of the Committee of Claims.

A *Petition* of *John Carlyle*, praying to be reimbursed a Judgment for £ 35, and Cost of Suit, obtained against him in the General Court by *William Cocks*, in Consequence of a Commission received from the late Honourable *Robert Dinwiddie*, Esq; appointing him

him Commiffary of Provisions, &c. for an Expedition, in the Year 1754, intended to the *Ohio*, was prefented to the Houfe and read; and the Queftion being put that the faid Petition be referred to a Committee,

It paffed in the Negative.

Resolved, That the faid Petition be rejected.

A *Petition* of *John Afhworth*, for Waggonage, was prefented to the Houfe and read.

Ordered, That the faid Petition be referred to the Committee of Claims; that they examine into the Allegations thereof and report the fame, with their Opinion thereon, to the Houfe.

A *Petition* of fundry Inhabitants of the County of *Lunenburg*, praying that the fame
19 may be divided into three diftinct Counties, and that an Act may be paffed for that Purpofe.

Alfo a *Petition* of fundry Inhabitants of the County of *Fauquier*, praying that the Court Day of the faid County may be altered to the 4th *Monday* in every Month, and that an Act may be paffed for that Purpofe; were feverally prefented to the Houfe and read.

Ordered, That the faid Petitions be referred to the Committee of Propofitions and Grievances; that they examine the Allegations thereof refpectively, and report their Opinion thereon to the Houfe.

A *Petition* of fundry Inhabitants of the Parifh of *Truro*, in the County of *Fairfax*, praying that the faid Parifh may be divided into two diftinct Parifhes, was prefented to the Houfe and read.

Ordered, That a Bill be brought in agreeable to the Prayer of the faid Petition, and it is referred to M^r *George Johnfton* and M^r *West* to prepare and bring in the fame.

M^r *Speaker* laid before the Houfe a Letter which he received in *July* laft from the Committee appointed by the Honourable Houfe of Representatives of the *Massachu-*
20 *setts Bay*, relative to the late Act of Parliament concerning the Sugar Trade with the foreign Colonies, &c. and the faid Letter was read, and ordered to lie on the Table.

The *Order* of the Day being read for the Houfe to take into Confideration the Governour's Speech,

Resolved, That this Houfe will refolve itfelf into a Committee on the faid Speech Tomorrow.

M^r *Landon Carter* reported that the Committee had, according to Order, waited on the Governour to know his Pleafure when this Houfe fhould attend him with their Addrefs; and that he was pleafed to appoint Tomorrow, and to fay he would fignify by a Meffage to the Houfe when he was ready to receive it.

A *Petition* of fundry Inhabitants of the County of *Culpeper*, praying that the Court Day of the faid County may be altered, and that an Act may be paffed for that Purpofe.

Three *Petitions* of fundry Freeholders and Inhabitants of the Parifhes of *Bromfield* and *St. Mark's*, in the County of *Culpeper*, praying that the faid Parifhes may be divided.

Alfo a *Petition* of the Minifter, Veftry, and divers Freeholders and Inhabitants of the faid Parifhes, in Oppofition thereto, were feverally prefented to the Houfe and read.

Ordered, That the faid Petitions be referred to] the Committee of Propofitions and
21 Grievances; that they examine into the Allegations thereof, and report the fame with their Opinion thereon, to the Houfe.

And then the Houfe adjourned until To-morrow Morning 11 o'Clock.

Friday, the 2nd of November, 5 Geo. III. 1764.

A Claim of *George Bray*, for taking up a Runaway therein mentioned, was prefented to the Houfe, and received, and referred to the Confideration of the Committee of Claims.

On a *Motion* made,

Ordered, That the Treafurer be directed to agree with Workmen to erect a Gallery acrofs this Houfe.

A *Petition* of fundry Merchants, in Behalf of themfelves and the Reft of the Merchants and Factors, and their Conftituents, trading in and to this Colony, fetting forth
that

that they are under the greatest Difficulties in recovering their just Debts, when after a long Credit they are under a Necessity of bringing Suits for that Purpose, the County Courts through the Colony being for the most Part so very dilatory, that, until of late Years, a Judgment might have been obtained in the General Court much sooner than in most of the County Courts, but, through the great Increase of Business in that Court for some Years past, and particularly through the great Abuse that has of late obtained in setting aside Office Judgments, by fraudulently and falsely pleading Payment in Actions of Debt brought on protested Bills of Exchange, and Specialties, the Judgments, which ought in those Cases to be final, are generally stopped for two Years, and often longer, by which Time it has often happened that both the Debtors and his Bail have removed, or become insolvent.

That after obtaining Judgments and Executions, as well as in other Process, the Sheriffs frequently fail to return the Writs, and afterwards false Returns thereon; and the Recovery of the Penalties for such Defaults, as the Law now stands, is now so troublesome and hazardous that few Persons have ever attempted it.

That Sheriffs frequently take Bonds from Prisoners in Execution for keeping within the Prison Bounds, and upon such Prisoners escaping it has been adjudged that the Creditor was bound to take an Assignment of such Bond, and that the Sheriff was not answerable until upon a Suit to be brought on such Bond it appeared the Security proved insufficient, when upon a third Suit brought against the Sheriff he would be answerable for the Deficiency; and as in every of those Suits a new Escape may happen, the Creditor, notwithstanding the Costs of any Number of Suits or Motions against the Sheriffs, which he may be put to, may never be nearer the Recovery of his Debt than he was at the Commencement of his original Suit.

That the Law, allowing the County Courts to lay off Prison Bounds for the Preservation of the Prisoners Health, has of late been greatly abused and perverted, it now being frequent for Prisoners in Execution to purchase Houses within the Prison Bounds, and therein to keep Ordinaries, or follow their other Business, and set their Creditors at open Defiance; while others, after lying in Prison until they have spent their Estates, which would have satisfied their Creditors, insist on their being released unless Security is given by such Creditors whom they have so defrauded for their Prison Fees.

That they humbly conceive their said Complaints might in a great Measure be redressed, by obliging the Justices of each County Court to execute their Office and Duty, for which they ought to be allowed, or by Assize Courts, or such other Method as this House shall think most effectual for the greatest Despatch of Business; and that no Plea of Payment should be admitted but upon Oath, particularly mentioning the Sum paid. That a Docket of all Executions issued since the preceding Court should be called over every Court when the Sheriffs should attend and return them, and discharge such of them as have been served; or Judgment should pass against him and his Securities for the same; or he should be mulcted for any Default, at the Court's Discretion. And lastly, by declaring the Law concerning Escapes, and the Prison Bounds, in such Manner as would avoid Diversity of Opinions concerning the same.

And further represented that the several Pilots, especially in *Rappahannock* River, in Order to extort unreasonable Fees, which the Ships arriving there are obliged to pay them, refuse or neglect to take our Branches; and as the Penalty they hereby incur is only to be recovered by Action of Debt, in which they insist special Bail is not to be given, a Judgment is scarce to be recovered while the Witnesses, who are to prove the Facts, stay in the Country; and when had, may prove of no Value. And that a more easy and expeditious Method of Recovery would effectually oblige all Pilots to submit to the Law now in Force, so essentially necessary to the Safety of Shipping.

And they likewise represented that the Tobacco Law would be found much better to promote that Staple Commodity if the Number of Warehouses was lessened, the Inspectors Salaries and the Warehouse Rents increased, the Proprietors obliged to build sufficient Warehouses to receive all Tobacco brought to them, the Inspectors exempted from bearing or accepting any other Office civil or military, if no Tobacco weighing less than

than 950 lbs. neat was to be entered as Crop, and if all Tobacco refused was obliged to be picked by the Owners, or sworn Pickers, within a reasonable limited Time, or burnt at the Expiration thereof.

And lastly, if they were allowed, for securing their Debts, to take Bonds, with Warrant of Attorney, to confess Judgment thereon, which is the common Security in *England, Ireland*, and the *English* Dominions in *America* (this Colony only excepted) they humbly conceive nothing could so effectually contribute to retrieve the Credit which, in the present Circumstances of the Colony, they can neither give in their own Behalf or in that of their Constituents, without some such Security. And praying the Consideration of the House in the Premises, was presented to the House and read.

26 *Ordered*, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A Report of the Commissioners appointed by Act of Assembly to examine, state, and settle, the Accounts of the Pay, Provisions, Arms, and Necessaries, for the Militia of the Counties of *Hampshire, Frederick, Culpeper, Prince William, Loudoun* and *Fauquier*, was presented to the House and received.

Ordered, That the said Report be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Bland*, from the Committee of Privileges and Elections, reported that the Committee had had under their Consideration the Petition of *Nathaniel West Dandridge*, to them referred, complaining of an undue Election and Return of Mr *James Littlepage* to serve as a Burgess in this present General Assembly for the County of *Hanover*, and had come to the following Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House.

27 *Resolved*, That the Petitioner do, at least ten Days before *Friday* the 23^d of this Instant, which is appointed for examining Witnesses before this Committee as to the Subject Matter of the said Petition, give Notice to the sitting Member of any illegal treating of the Freeholders of the said County before the said Election, either by the sitting Member, or by any other Person in his Behalf; which the Petitioner shall then offer in Evidence to the said Committee.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the Committee had had under their Consideration a Petition of sundry Inhabitants of the County of *Lunenburg*, praying that the three Parishes of *Cornwall, St. James's*, and *Cumberland*, in the said County, may be erected into three distinct Counties, and had come to the following Resolution thereon; which he read in his Place, and then delivered in at the Table where the same was again twice read, and agreed to by the House, as follows:

Resolved, That the said Petition is reasonable.

Ordered, That it be an Instruction to the said Committee to prepare and bring in a Bill pursuant to the said Resolution.

A Message from the Governour was delivered by Mr *Walthoe*.

28 Mr *Speaker*,

I am commanded by the Governour to acquaint this House that his Honour is now ready to receive their Address in the Council Chamber.

Mr *Speaker*, with the House, went up accordingly; and being returned, reported that he had, with the House, attended the Governour in the Council Chamber, and presented the Address of this House to him. To which he was pleased to answer:

Mr *Speaker*, and Gentlemen of the House of Burgesses,

I Return you my sincere Thanks for the filial Respect and Duty to his Majesty, and Affection to me, which you express in this Address.

The

The most convincing Proofs you can give of that Respect and Duty will be to engage in Measures recommended to you by his Majesty's Ministers through me, and will be the most acceptable Marks you can give me of your Affection, at the same Time that it will best contribute to the Peace and Happiness of the Colony.

A *Petition of George Darr*, a wounded and disabled Soldier, in the Service of this Colony, praying such Relief as this House shall think reasonable, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof and report the same, with their Opinion thereon, to the House. 29

The *Order of the Day* being read for the House to take into Consideration the Governor's Speech,

Resolved, That this House will resolve itself into a Committee on the said Speech on Monday next.

A *Petition of fundry Freeholders and Inhabitants of the County of Amelia*, praying that the Tobacco Law may be amended, and that the Quality of Tobacco at the several Inspections may be ascertained by the Inspectors and inserted in their Notes, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same with their Opinion thereon, to the House.

And then the House adjourned until To-morrow Morning 11 o'Clock.

Saturday, the 3rd of November, 5 Geo. III. 1764.

A *Petition of Thomas Booth*, setting forth that in the Year 1760 he received Orders and recruiting Instructions to enlist Men for the Expedition intended against the *Cherokee* Indians, and did enlist 15 Men, 3 of whom were refused by the Officer, as being too small, although able bodied, and such as he was instructed to enlist, and did advance to 6 of the said Men the Bounty of £10 each, besides the Expenses of recruiting and their Subsistence, for which he hath received no Satisfaction; and praying the Direction of the House therein, was presented to the House and read. 30

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *George Johnston* presented to the House, according to Order, a Bill For Dividing the Parish of *Truro*, in the County of *Fairfax*; and the same was read the first Time, and ordered to be read a second Time.

A *Petition of Robert Brackenridge*, setting forth that he commanded a Committee of Militia of *Augusta* County, which were stationed at Fort *George* for Part of the Month of *December*, all *January*, and to the 22^d Day of *February*, 1759; that some Time afterwards he returned a Pay Roll for the said Company for each Month, to be settled at *Williamsburg*, and has since received by the Hands of Mr *Christian* Pay for the Months of *December* and *February*, but none for *January*, by Reason of the Pay Roll being mislaid; that he has been sued by one of the private Men of the Company, and expects Suits will be commenced against him by all on that Account; and praying that an Inquiry may be made in the Premises, and that he may be granted such Relief as shall be thought reasonable. 31

Also a *Petition of Thomas Drake*, praying to be allowed for 3 Servants who enlisted into the *Virginia* Regiment in the Year 1759, of whom he has never since heard, and for whom he has received no further Satisfaction than £5 given him by one of the said Servants, being so much of the Bounty allowed him on enlisting; and praying to be allowed

allowed for his said Servants Time, as shall be adjudged reasonable; were severally presented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Several *Accounts* of *William Carven*, for Horse Hire, and Provisions furnished for the *Amelia* Militia, and fundry other Services performed by him for the Service of this Colony.

82 *Also* a *Claim* of *William Price*, of *Culpeper*, for a Gun, a Powder Horn, Shot Bag, Powder, and Lead, to the Value of 32s. 6d. which were taken from him by the Commanding Officer of *Culpeper*, for the Use of the Militia of the said County, and for which he hath received no Satisfaction; were severally presented to the House and received.

Ordered, That the said Accounts and Claims be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To prevent Persons driving distempered Cattle from *North Carolina*, and other Places, into this Colony; and it is referred to Mr *Cary*, and Mr *Adams*, to prepare and bring in the same.

Sundry *Claims* of *William Simmonds*, *William Sharpe*, *Samuel Price*, and *John Richardson*, for taking up Runaways therein mentioned, were severally presented to the House and received, and referred to the Consideration of the Committee of Claims.

And then the House adjourned until Monday Morning 11 o'Clock.

Monday, the 5th of November, 5 Geo. III. 1764.

33 **A** *Petition* of *Levin Rodgers*, and fundry Inhabitants of the County of *Accomack*, praying that a Ferry may be established at the Town of *Onancock*, in the said County, across the Bay to *York*, *Hampton*, and *Norfolk*, and the adjacent Places, and that an Act may pass for that Purpose.

Also a *Petition* of *John Wise*, Jun. and fundry Inhabitants of the said County, to the same Effect.

Also a *Petition* of *Littleton* and *Severn Eyre*, in Opposition thereto.

Also a *Petition* of *George Wilson Spooner*, praying that a Ferry may be established from his Landing over *Potowmack* River, to *Cedar Point*, on the opposite Shore, in the Province of *Maryland*, were severally presented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

34 A *Petition* of *Richard Bland*, and *William Fleming*, surviving Executors of *James Deans*, deceased, setting forth that a Negro Woman Slave named *Abbe*, belonging to the said *Dean's* Estate, being committed to the Gaol of *Prince George* County on Suspicion of poisoning Doctor *James Tyrie*, since deceased, before the Time appointed for the Trial, she being conscious of her Guilt, hanged herself in the said Gaol; and praying to be paid the Value of the said Slave by the Publick, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims, that they examine into the Allegations thereof, and report the same with their Opinion thereon, to the House.

Mr *Cary*, from the Committee of Claims, reported that the said Committee had had under their Consideration the Petition of *Jacob Boius* and *George Darr*, to them referred, and had come to the following Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House.

Resolved

Resolved, That the Allegations of the said *Jacob Boius's* Petition are true; and that he ought to be allowed the Sum of £25 as a Consideration for the Hardships he suffered in the Service of the Colony, and the further Sum of £5 *per Annum* during his Life.

Resolved, That the Allegations of the said *George Darr's* Petition are true; and that he ought to be allowed the Sum of £5 *per Annum* during his Life, as a Consideration for the Wound he received in the Service of this Colony. 35

Ordered, That it be an Instruction to the said Committee to make the said Allowances in the Book of Claims, pursuant to the said Resolutions.

A *Bill* For dividing the Parish of *Truro*, in the County of *Fairfax*, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

The *Order* of the Day being read for the House to take into Consideration the Governour's Speech.

Resolved, That this House will resolve itself into a Committee on the said Speech Tomorrow.

And then the House adjourned until To-morrow Morning 11 o'Clock.

Tuesday, the 6th of November, 5 Geo. III. 1764.

MR *Cary*, from the Committee of Claims, reported that the Committee had had under their Consideration the Petition of *Thomas Drake* and *Robert Brackenridge* to them referred, and had come to the following Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House.

Resolved, That the Petition of the said *Thomas Drake* be rejected, being no publick Claim. 36

Resolved, That the Allegations of the Petition of the said *Robert Brackenridge* are true, and that he be allowed the Sum of £46. 2. 10 for the Pay of himself and Company, according to a Muster Roll, certified by Commissioners, which appears to have been mislaid, and for which no Satisfaction hath been received.

A *Petition* of the Trustees, Freeholders, and Inhabitants of the Town of *Alexandria*, praying the Repeal of a certain Clause in the late Act of Assembly For adding to and enlarging the Town of *Alexandria*, the same being found impracticable and expensive, and that they may be put on the same Footing with the Proprietors of the additional Lots in the neighbouring Town of *Dumfries* was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations, thereof, and report the same, with their Opinions thereon, to the House.

A *Petition* of *Alexander Waugh*, setting forth that in the Year 1759 he received recruiting Instructions from his Honour the Governour, and did recruit 66 Men, which were all received; but upon settling his Accounts with the Commissioners in *Williamfburg* was allowed by them only 15s. a Man for recruiting, and 8d. a Day for their Subsistence, whereas other Officers of the Regiment, who settled their Accounts with the Pay-Master, were allowed 30s. a Day for each Recruit, and 1s. a Day for Subsistence: And further, that one of the said Recruits was soon after his enlisting arrested by a Sheriff for Debt; and not being acquainted with the Consequences, refused to let the Sheriff carry him away, since which he hath been sued for the Debt, and obliged to pay it, with Costs: And praying the Consideration of the House therein, was presented to the House and read; and the Question being put that the said Petition be referred to a Committee, 37

It passed in the Negative.

Resolved, That the said Petition be rejected.

A *Petition* of sundry Freeholders and Inhabitants of the Parish of *St. George*, in the County of *Spotsylvania*, setting forth that by Reason of the great Extent of the said Parish

Parish the same is become inconvenient to the Inhabitants thereof; and praying the said Parish may be divided, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Claim of Vivion Brooking*, for taking up a Runaway therein mentioned, was presented to the House and received, and referred to the Consideration of the Committee of Claims.

An engrossed *Bill*, entitled, *An Act for dividing the Parish of Truro, in the County of Fairfax*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *George Johnston* do carry up the said Bill to the Council for their Concurrence.

The *Order* of the Day being read for the House to take into Consideration the Governor's Speech.

Resolved, That this House will resolve itself into a Committee on the said Speech immediately.

Ordered, That the several Letters and Papers laid before the House by the Governor's Direction be referred to the Consideration of the said Committee.

And then the House resolved itself into a Committee on the said Speech and Letters; and after some Time spent therein, Mr *Speaker* resumed the Chair and Mr *Attorney* reported that the Committee had had the said Speech and Letters under their Consideration, but not having Time to go through the same they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into a Committee on the said Speech Tomorrow.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Wednesday, the 7th of November. 5 Geo. III. 1764.

A *Petition* of *James Boyd*, setting forth that his Negro Man *Bob*, after being apprehended in the County of *Hanover* for a Runaway, and committed to the Custody of a Constable of the said County, made a desperate Attempt on the Life of the said Constable, who in his own Defence killed the said Slave; and praying to be allowed for him by the Publick.

Also two *Petitions* of *John Armstrong*, and *Lanty Armstrong*, late Sergeants in the Company commanded by Capt. *Richard Pearis* in the *Cherokee* Country, praying to be allowed their Pay from the 2^d of *April* 1756 to the 25th of *June* 1757, for the said Service; were severally presented to the House and read.

Ordered, That the said *Petitions* be referred to the Consideration of the Committee of Claims; that they examine into the Allegation thereof, and report the same, with their Opinion thereon, to the House.

Ordered, That Mr *Fleming* be added to the Committee of Propositions and Grievances, and Mr *Calloway* to the Committee of Claims.

A *Representation* of *George Pitt*, Keeper of the Magazine in the City of *Williamsburg*, setting forth that there is in the Magazine a large Quantity of Muskets, which have been examined and reported as unfit for Use, and are now lying as Lumber therein, which might be repaired without any great Expence. That there are also sundry other Things which might be sold, and which will be wholly useless if suffered to continue any longer where they are. That the Barrels in which the publick Powder is contained are in very bad Order, to the great Danger of the Magazine, especially as the Magazine itself wants repairing, and praying the Direction of the House therein, was presented to the House and read.

Ordered

Ordered, That the said Representation be referred to the Consideration of Mr *Attorney*, Mr *Burwell*, Mr *Philip Johnson*, and Mr *Grymes*; that they examine the Magazine, and the Stores therein belonging to the Publick, and report to the House what Repairs are necessary to be made to the Repository of Arms, and what Stores it may be proper to dispose of.

A *Petition* of *John McNelly*, Armorer in the late *Virginia* Regiment, setting forth 41
that he was employed by Colonel *Adam Stephen* for three Months in repairing the Arms of the said Regiment, for which he was to have received the Sum of £15. 9. 9, but hath not received that Sum, or any other Gratuity for the same; and praying the Consideration of the House in the Premises, was presented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Petition* of the Vestry of the Parish of *Antrim*, in the County of *Halifax*, praying to be reimbursed their Charges for the Maintenance of *John Ray*, a Soldier in Capt. *Blagg's* Company, who was taken sick on his March, and left a Charge to the said Parish, was presented to the House and read; and the Question being put that the said Petition be referred to a Committee,

It passed in the Negative.

Resolved, That the said Petition be rejected.

Ordered, That the Committee appointed to correspond with the Agent of this Colony in *Great Britain*, pursuant to an Act of Assembly For appointing an Agent, do lay the Agent's Letters received since the Meeting of the last Session of Assembly, and their 42
Answers thereto, before the House.

Mr *Attorney*, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill For dividing the County of *Lunenburg* into three distinct Counties, and the said Bill was read the first Time, and ordered to be read a second Time.

A *Petition* of the Inspectors of *Pungoteague* and *Nasswaddox* Warehouses, in the Counties of *Accomack* and *Northampton*, setting forth that the Quantity of Tobacco brought to the said Warehouses is of late greatly increased; and their Trouble of Course augmented; and praying that their Salaries may be enlarged, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Attorney*, from the Committee of Correspondence, according to Order, laid before the House the Agent's Letters, together with their Answers.

Ordered, That the said Letters and Answers do lie on the Table.

Three *Petitions* of *Dougal Campbell*, *John Greagh*, and *Richard Bolton*, late Soldiers in the *Virginia* Regiment, setting forth that the Severity of the Service, in which they were 43
engaged upwards of seven Years, hath rendered them disabled and infirm, and entirely incapable of acquiring a Maintenance for themselves and Families; and praying the Consideration of the House in the Premises, were severally presented to the House and Read.

Ordered, That the said Petitions be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

The Order of the Day being read, the House resolved itself into a Committee to take into their further Consideration the Governour's Speech, together with the several Letters and Papers to the said Committee referred; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Speech, Letters, and Papers, under their further Consideration, and had gone through the same, and come to several Resolutions thereon, which they had directed him to report to the House.

Resolved, That this House will receive the said Report Tomorrow.

And then the House adjourned until Tomorrow Morning 11 o'Clock.

Thursday 44

Thursday, the 8th of November, 5 Geo. III. 1764.

A Claim of *John Eustace*, for taking up a Runaway therein mentioned, was presented to the House and received.

Ordered, That the said Claim be referred to the Consideration of the Committee of Claims.

Mr Attorney, from the Committee of the whole House, reported, according to Order, that the Committee had had under their Consideration the Governour's Speech, and the Letters and Papers to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to, with some Amendments, and are as follow:

Resolved, That an humble Address be made to his Honour the Governour, to assure him that we have with great Attention reconsidered the Complaint of the *British* Merchants to the Right Honourable the Board of Trade, relative to our Paper Money, with the Resolutions of their Lordships thereon recommended in his Honour's Speech; and at the same Time have revised, as well the Laws under which the Paper Money was emitted, as those directing the Exchange at which Judgment for Sterling Debts are to be discharged, and also revised the Reasons presented to his Honour in a former Session in Support of the Justice of those Laws; and are still of Opinion no Injury can happen to *British* Creditors from receiving their Debts in the Paper Money (except of a small and accidental Nature, which cannot be provided against) since they are to be paid, and are paid, so much Paper as will place their Money in *Britain* without Loss, which Method is preferable to the Payment in Sterling Specie here (if such we had) as that Specie would not be remitted to *Britain* without a Loss of Freight and Insurance. But as we have not such Specie, which the Merchants themselves well know, we can suggest any Means, consistent with natural Equity, by which Sterling Debts can be secured to be paid here in Sterling Money.

Resolved, That the Matters recommended by the Right Honourable the Earl of *Halifax*, relative to the Post, is sufficiently provided for by the Act of Assembly for the Settlement and Regulation of Ferries, and for Despatch of publick Expresses.

Resolved, That such of the Militia Accounts that are not brought to this Session of Assembly ought to be settled by Commissioners, to be appointed in the Country.

Ordered, That a Committee be appointed to draw up and Address pursuant to the two first Resolutions; and it is referred to Mr *Pendleton*, Mr *Mercer*, Mr *Wythe*, and Mr *Richard Henry Lee*, to prepare and bring in the same.

Ordered, That a Bill be brought in pursuant to the last Resolution, and it is referred to the Committee of Claims to prepare and bring in the same.

Mr *Pendleton*, from the Committee of Courts of Justice, reported that the Committee had, according to Order, inspected the Journals of the 4th, 5th and 6th Sessions of this present General Assembly, and had agreed upon a Report; which he read in his Place, and then delivered in at the Table, where the same was again read, and is as follows:

That the *Petition* of *Nicholas Davies*, praying that a Ferry may be established from his Land in the County of *Bedford*, near the Mouth of *Tuckahoe* Creek over the *Fluvannah* River, to his Land near the *Mill Stone* Quarry, in the County of *Amherst*; also the *Petition* of sundry Inhabitants of the upper End of the County of *Amherst*, praying that a Ferry may be established from the Land of *Cornelius Thomas*, at or near the Mouth of *Mill* Creek, on the south Side of the *Fluvannah* River, to the opposite Side of the Land of *Nicholas Davies*, in the County of *Bedford*, were presented to the House and read, and referred to the Consideration of the Committee of Propositions and Grievances, to examine into the Allegations of the said Petitions, and report their Opinion thereon to the House: That the said Committee made their Report, and the same was agreed to by the House, that the Consideration of the said Petitions ought to be referred to the next Session of Assembly.

That

That the *Petition* of Capt. *John Smith*, praying to be reimbursed the Sum of £75, for so much paid by him to his Lieutenant *Thomas Langdon*, for his Pay from *September* the 30th, 1755, to *June* the 25th, 1756, having never received any Satisfaction for the same, was presented to the House and read, and referred to the Consideration of the next Session of Assembly.

That a *Petition* of *Bertrand Ewell*, setting forth that he was attending in the Custody of the Sergeant at Arms, in Obedience to the Order of the House, for having been guilty of a high Crime and Misdemeanor, in presenting an unjust Demand to the House, claiming an Allowance to be made him for some Slaves employed by him in Iron Works, the Owners of which are by Law exempted from paying Taxes for them, and begged Leave to represent that the said Charge is entirely groundless, he having made a considerable Progress towards erecting a Furnace for carrying on an Iron Work on some of his Lands in the County of *Prince William*, having raised a Dam and cut Races for that Purpose, in which Work every Slave mentioned in his Claim had been employed, the Truth of which he was ready to verify; and praying to be discharged out of Custody, and that proper Time might be allowed him to prove his Assertions, was presented to the House and read, and referred to the Committee of Privileges and Elections to examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House: That the said Committee made their Report, and came to a Resolution, which was agreed to by the House, that the said *Bertrand Ewell* be allowed Time until the next Session of Assembly to prove the Allegations of the said Petition; that in the mean Time he be discharged out of Custody, paying Fees, and that the said Petition be referred, to the Consideration of the next Session of Assembly.

That a *Petition* of *Richard Pearis*, praying to be allowed his Account due from the Colony, when he was ordered out with Major *Andrew Lewis* to the *Cherokee* Nation, having never received any Satisfaction for the same, was presented to the House and read, and referred to the Committee of Propositions and Grievances to examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House: That the said Committee reported they had come to a Resolution, which was agreed to by the House, that the Article of £81. 18 charged in the said Account, for Horses and Pack Saddles delivered to Colonel *David Stewart* for the Expedition against the *Shaw-aneese*, ought to be referred to the Consideration of the next Session of Assembly.

That the *Petition* of *William Frazer*, setting forth that he hath lately been at a great Expence in raising a Causeway through the Marsh opposite to the publick Ferry, established from his Plantation over *Mattapony* River to the Land of *George Braxton*, Esq; deceased, by the Permission of *Carter Braxton*, Esq; Guardian to the said *George's* Children; that the said Causeway will be of great Utility to the Publick if the Landing Place over the said River was established there; as it shortens the Passage near Half a Mile; and praying that he may be enabled to keep up the said Causeway, and that the same may be established the publick Landing over the said River.

Also a *Petition* of sundry Inhabitants of *Elizabeth City* County, praying that they may be empowered to build a Bridge over *Back* River, in the said County; and a *Petition* of sundry other Inhabitants of the said County, in Opposition thereto, were presented to the House, and referred to the Committee of Propositions and Grievances to examine into the Allegations of the said Petition, and to report the same, with their Opinions thereon, to the House: That the Committee reported, and which was agreed to by the House, that the Consideration of the said Petitions should be referred to the Consideration of the next Session of Assembly.

That a *Petition* of the Inspectors at *Morton's* Warehouse, praying their Salaries may be augmented.

Also a *Petition* of the Inspectors at *Gibson's* Warehouse, praying to be allowed for 840lbs. of Tobacco that was stolen out of the said Warehouse at two different Times, in the Months of *January* and *April*, 1763.

Also a *Petition* of the Ministers and Vestries of the Parishes of *St. Mark* and *Bromfield*, in the County of *Culpeper*, praying that the said Parishes may be divided into three distinct Parishes.

Also

⁵¹ *Also a Petition* of divers Freeholders and other Inhabitants of the County of *Fredrick*, praying that the said County may be divided, by a Line to be run from *Ashby's* Gap, a straight Course, until it intersects the *Hampshire* Line, and that an Act may pass for that Purpose.

Also four Petitions from the said County, in Opposition thereto.

Also a Petition of divers Inhabitants of that Part of the County of *Halifax* situated on *Hyco* River, praying that the Water Grift Mill near the Mouth of the said River, built in the Year 1761 by *James Hembrie*, and now in the Possession of *Howard Hurst*, may be discontinued, the same being a great Obstruction to the Passage of Fish up the said River, which wholly deprives the Petitioners of the Advantage of that Support for their Families, and that an Act may pass for that Purpose.

Also a Petition of *James Hughes*, of the County of *Augusta*, Planter, praying to be reimbursed the Sum of £10. 19. 8, being the Amount of a Judgment and Costs obtained against him in the Court of the said County, in the Year 1759, by one *Anderson* of the said County, in Consequence of his having impressed two of his Horses for the Use of
⁵² the Frontier Battalion notwithstanding they were valued and delivered according to Law, and he had a Warrant from one of his Majesty's Justices of the Peace of the said County for so doing.

Also a Petition of the Ministers, Church wardens, Vestrymen, and others, Inhabitants of the Parishes of *Elizabeth River*, *Portsmouth*, and *St. Bride's* in the County of *Norfolk*, setting forth that great Inconveniences arise in the Execution of the Law passed in the first Year of his present Majesty's Reign, by which the Lands and Slaves devised by the Will of *Matthew Godfrey*, deceased, to the Poor of the said County, were vested in the Trustees of the said County, to be hired out, in as much as there is no Person to take Care of the said Slaves when sick, or the Females when lying in, and Disputes often arise between the said Vestries about the Division of their Hire, and taking Care of the said Slaves, and praying that an Act may pass for making Partition of the said Slaves among the said Parishes, and that the said Land, with the Appurtenances, may be valued by disinterested Persons, and the Property thereof vested in the Parish of *Elizabeth River*, for the Use of the Poor of the said Parish, on their paying to the Vestries of the other two Parishes their Proportion of such Valuation, according to the Number
⁵³ of Tithables in each of the said Parishes, and that the Money so paid may be laid out in other Lands, and be appropriated to the Use of the Poor of the said Parishes.

Also a Petition of fundry Inhabitants of the County of *Hampshire*, praying that an Act may be passed, granting a Premium to encourage the killing of Wolves in that and the neighbouring Counties on the Frontiers of this Colony, that a Pest so numerous and destructive to their Stocks may be put an End to.

Also a Petition of *James Walker*, setting forth that he was a Lieutenant in the Frontier Battalion in the Year 1759, and recruited 60 Men for the said Battalion, and was only allowed 15s. a Man for recruiting, and 8d. a Day for Subsistence; that he hath been informed that the Officers have since been allowed 30s. a Man, and 1s. a Day for recruiting Expenses and Subsistence, and praying the Consideration of the House therein, and that his Allowance may be made adequate to theirs.

Also a Petition of *Henry Darnell*, praying that he may be allowed for three Recruits, who being taken sick upon the Road before they arrived at the Place of Rendezvous was refused by the Commander, as unfit for the Duty they were intended for.

Also a Petition of *John Gregg*, by his Guardian *John Baylis*, setting forth that by
⁵⁴ an Act of Assembly passed in the fourth Session of this Assembly, for the Removal of *Occoquan* Inspection to *Colchester*, the said *Gregg* suffered considerable Damages, he having sunk a large Sum of Money in Building and repairing several Warehouses for the Reception and Security of Tobacco there, which the said Law has rendered useless and unprofitable to him; and praying the Consideration of the House therein.

Also a Petition of *John Terrier*, of the County of *King George*, praying to be allowed some Compensation for the Ravages committed by the *Virginia* Regiment during their Encampment on his Plantation, in the Year 1762, to a large Amount; were severally
presented

presented to the House and read, and referred to the Consideration of the next Session of Assembly.

It also appears to your *Committee* that upon the Petition of *Edward Hubbard* and *James Gunn*, Captains of two Companies of Artificers employed on the Works at *Pittsburg* the House resolved that the Sum of £453. 3. 2 ought to be allowed to the said *James Gunn* for his Company's Pay, and that he should be obliged to account for the Disbursements of the same upon Oath, and produce the Discharges of the several Claimants to the next Session of Assembly; also that the Sum of £361. 17. 6 be paid to Lieutenant *Alexander Waugh* (to whom the said *Hubbard* had ordered the same to be paid) for his the said *Hubbard's* Company's Pay, and that the said *Waugh* should be obliged to account for the Disbursements of the same upon Oath, and produce the Discharges of the several Claimants to the next Session of Assembly. 55

That, upon a *Motion* made, it was resolved by the House that the Captains *John Field* and *John Posey* lay an Account, upon Oath, of the Money they received for their Companies of Artificers, with the proper Vouchers of their having paid the same, before the next Session of Assembly.

That a *Petition* of *Robert Brackenridge*, praying to be reimbursed a Sum of Money which he advanced to three Men of his Company of Militia when stationed on Duty at *Fort Chiswell*, in the Year 1761, he having neglected to insert their Names in the Pay Roll for that Service; was presented to the House and read, and referred to the Consideration of the next Session of Assembly.

That a *Claim* of *Joshua Crawford* praying some Recompense for a Quantity of Timber and Plank cut down and destroyed, together with a Barn, a Log House, and Malt Kiln, on his Plantation, where *Fort Ligonier* was erected, to the Damage of £37. 9. 3.

Also a *Claim* of *Joshua Powell* in Behalf of himself and his Company, praying to be allowed 33 Days Pay, amounting to £44, for their Services on the Frontiers of *Halifax*, by the Appointment of Colonel *Abraham Maury*, in the Year 1759; were presented to the House and received, and referred to the Consideration of the next Session of Assembly. 56

That the several *Claims* of *John Bailey*, *Cornelius Lartham*, *Charles Byrne*, *William Edwards*, *Bernard Markham*, *William Gary*, *John Phillips*, *George Bernick*, *Nimrod Poindexter*, *William Reeves*, *Lyddal Bacon*, *Charles Turner*, *William Markham*, *William Clayton*, *Thomas Edwards*, *William Pegram*, *James Small*, *William Hansbrough*, *James Jones*, *Thomas Cooper*, *John Besley*, *John Pulliam*, *William Sergeant*, *Joseph Morehead*, *Joseph Williams*, *Peter Pierce*, *George Neavill*, Junior, *Francis Farnell*, *Abraham Symson*, *Moses Bledsoe*, *William Symson*, and *Anthony Foster* for taking up Runaways, were presented to the House and received, and referred to the Consideration of the next Session of Assembly.

It also appears to your *Committee* that, on a *Motion* made, it was ordered that all such Claims and Propositions as were referred from the 4th to the 5th Session of this Assembly, and all such Claims and Propositions as should be certified to the said 5th Session, should be referred to the Consideration of the next Session of Assembly. 57

Ordered, That the Petition of *Bertrand Ewell*, setting forth that he was attending in the Custody of the Sergeant at Arms, in Obedience to the Order of the House, for having been guilty of a high Crime and Misdemeanor, particularly mentioned in the said Report, be referred to the Consideration of the Committee of Privileges and Elections. That all publick Claims referred from the several Sessions of Assembly, in the said Report expressed, also the Petitions of Captain *John Smith*, *Richard Pearis*, the Inspectors at *Gibson's Warehouse*, *James Hughes*, *James Walker*, *Henry Darnell*, *John Terrier*, *Robert Brackenridge*, *Joshua Crawford*, and *Joshua Powell*, therein set forth, be referred to the Committee of Claims; and that the several Propositions therein mentioned, be referred to the Committee of Propositions and Grievances.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the Committee had had under their Consideration divers Propositions and Petitions from several Counties to them referred, and had come to several Resolutions thereon; which he

he read in his Place, and then delivered in at the Table, where the same were again read and are as follow :

58 *Resolved*, That it is the Opinion of this Committee that the Petition of *John Wise*, Jun. and fundry Inhabitants of the County of *Accomack*, praying that a Ferry may be established from the Land of the said *John Wise*, on *Chiccone's* Creek, in the said County over the Bay to *York*, *Hampton*, *Norfolk*, and the Places adjacent thereto, be rejected.

Resolved, That it is the Opinion of this Committee that the Petition of *Levin Rogers*, and fundry other Inhabitants of the said County of *Accomack*, praying that a Ferry may be established from the Town of *Onancock*, in the said County, over the Bay to *York*, *Hampton*, and *Norfolk*, and the Places adjacent thereto, be rejected.

Resolved, That it is the Opinion of this Committee that the Petition of *Littleton* and *Severn Eyre*, in Opposition to the two Petitions above mentioned, is reasonable.

That the Committee had also had under their Consideration a Representation and Petition of divers Merchants, and their Factors, trading in and to this Colony, and have come to the several following Resolutions thereon :

59 *Resolved*, That it is the Opinion of this Committee that that Part of the said Representation complaining of Delays in recovering just Debts by Defendants in Actions of Debt on protested Bills of Exchange, and other Specialties, being allowed to plead Payment without Oath, and praying that such Plea shall not be allowed without Oath, is unreasonable.

Resolved, That it is the Opinion of this Committee that so much of the said Representation as complains of Sheriffs neglecting to make Returns of Process, and also of making false Returns, and praying that the Laws now in Force relating to the Duty of Sheriffs in such Cases may be amended, is reasonable.

Resolved, That it is the Opinion of this Committee that so much of the said Representation complaining of the great Delays Creditors are now subject to in recovering their Debts, in Cases where the Debtor has been taken in Execution, and given Bond for the Prison Rules, and afterwards escaped out of the Bounds, and praying that the Laws relating thereto may be amended and fully explained, is reasonable.

Resolved, That it is the Opinion of this Committee that so much of the said Representation as complains of the Advantages taken by Debtors in the Prison Rules, in setting up Ordinaries, or following other Occupations, in Defiance of their Creditors, be rejected,

60 *Resolved*, That it is the Opinion of this Committee that that Part of the said Representation complaining of Pilots extorting unreasonable Fees, and refusing to take out Branches, and the Difficulty of recovering the Penalties for such Offences, be rejected.

Resolved, That it is the Opinion of this Committee that so much of the said Representation as proposes the lessening the Number of Warehouses, and the increasing the Salaries of Inspectors, and raising the Rents of the Warehouses, is reasonable.

Resolved, That it is the Opinion of this Committee that so much of the said Representation praying that the Proprietors of Warehouses may be obliged to build sufficient Houses for the Reception of all the Tobacco annually carried to them for Inspection, be rejected.

Resolved, That it is the Opinion of this Committee that so much of the said Representation praying that Inspectors may be exempt from bearing or accepting any other Commission, civil or military, be rejected.

Resolved, That it is the Opinion of this Committee that that Part of the said Representation praying that no Hoghead of Tobacco under 950 lbs. neat Weight may be entered as Crop Tobacco, is reasonable.

61 *Resolved*, That it is the Opinion of this Committee that so much of the said Representation praying that refused Tobacco may be picked, either by the Owner or Picker, in a limited Time, or burnt at the Expiration thereof, be rejected.

Resolved, That it is the Opinion of this Committee that the Residue of the said Representation praying that Creditors may be allowed, for Security of their Debts,

to

to take of their Debtors Bonds, with Warrant of Attorney to confefs Judgments, be rejected.

The *eleven* firft, and *thirteenth* and *fourteenth* Refolutions, being read a fecond Time, and the Queftion feverally put that the Houfe agree thereto,

Resolved, in the Affirmative.

The *twelfth* Refolution being alfo read a fecond Time, and the Queftion put that the Houfe agree thereto,

It paffed in the Negative.

Ordered, That the faid Committee do prepare and bring in a Bill, or Bills, purfuant to the 5th and 6th Refolutions; and that the 9th Refolution do lie on the Table.

Mr *Attorney*, from the laid Committee, alfo reported that the faid Committee had had under their Confideration divers other Propofitions and Petitions from feveral Counties to them referred, and had come to feveral Refolutions thereon; which he read in his Place, and then delivered in at the Table, where the fame were again read, and are as follow:

Resolved, That it is the Opinion of this Committee that the Petition of divers Proprietors of Lots, and other Inhabitants of the Town of *Alexandria*, in the County of *Fairfax*, praying that fo much of the Act of Affembly for eftablifhing the faid Town as obliges the Purchafers of Lots therein to build an improve the fame in a limited Time, may be repealed, and the Purchafers left at Liberty to build thereon when convenient to them, is reafonable.

Resolved, That it is the Opinion of this Committee that the Petition of fundry Inhabitants of the County of *Fairfax*, praying that the Fee of £5, to which the Lawyers praftifing in the General Court are entitled in all Chancery Suits, and other Suits where the Title or Bounds of Lands may come in Queftion, and alfo the Fee of 30s. to which the Lawyers praftifing in the County Courts are entitled in the like Suits, may, when recovered, be taxed in the Bill of Cofts, is reafonable.

Resolved, That it is the Opinion of this Committee that the Petition of *George Wilfon Spooner*, praying that a Ferry may be eftablifhed from his Land, in the County of *Westmoreland*, over *Potowmack* River, to *Cedar Point*, in the Province of *Maryland*, is reafonable.

Resolved, That it is the Opinion of this Committee that the Petition of fundry Inhabitants of the County of *Culpeper*, praying that the Court Day of the faid County may be altered from the 3^d *Thursday* to the 4th *Monday* in every Month, is reafonable.

Resolved, That it is the Opinion of this Committee that the Petition of fundry Inhabitants of the County of *Fauquier*, praying that the Court Day of the faid County may be altered from the 4th *Thursday* to the 4th *Monday* in every Month, be rejected.

The *three* firft Refolutions being read a fecond Time, and the Queftion feverally put that the Houfe agree thereto,

Resolved in the Affirmative.

The *two* laft Refolutions being alfo read a fecond Time, and the Queftion put that the Houfe agree thereto,

It paffed in the Negative.

Resolved, That the Petition of the Inhabitants of *Fauquier*, praying that the Court Day of the faid County may be altered, is reafonable.

Ordered, That the faid Committee do prepare and bring in a Bill, or Bills, purfuant to the 1st, 2^d, 3^d, and laft Refolutions.

On a *Motion* made,

Resolved, That the Perfon employed by the Clerk of this Houfe to engrofs the Bills, and to tranfcribe the Bufinefs of the Affembly, be exempted from Arrefts and Executions during the fitting of the General Affembly.

And then the Houfe adjourned until To-morrow Morning 11 o'Clock.

Friday

Friday, the 9th of November, 5 Geo. III. 1764.

ON a Motion made,

Ordered, That Leave be given to bring in a Bill To enable Tenants in Taille to make Leafes of their Lands; and it is referred to Mr *Edmund Pendleton*, and Mr *Richard Henry Lee*, to prepare and bring in the Same.

A Petition of *Alexander Boyd*, fetting forth that fome Time about the 23^d of September 1763 *Davis Colmer*, a Chaplain to the *Virginia* Regiment, being indebted to feveral Perfons, absconded, and removed himself off, which occasioned many to fue out Attachments againft his Estate; and more efpecially *John M'Clanachan* and *William Crow*, both of the County of *Augusta*, sued out their Attachments, and fummoned him to attend the County Court of *Augusta* as a Garnifhee, which Summons he accordingly obeyed, notwithstanding it was very inconvenient and expenfive fo to do.

And further that on the Trial of the faid Attachments, he being fworn as a Garnifhee, declared on Oath that at the Time of ferving the faid Attachments in his Hands there
 65 was due from the Country to the faid *Davis Colmer*, as Chaplain to the *Virginia* Regiment, two Months Pay, amounting to £20. But that on a Settlement of his Account with the Commiffioners appointed for that Purpofe he was ordered not to pay the fame to the faid *Davis Colmer*, notwithstanding which the faid County Court of *Augusta* gave Judgments for the faid *M'Clanachan* and *Crow*, and ordered that he fhould pay them the faid £20. due from the Country to the faid *Davis Colmer*, which he has been actually forced to pay out of his own Pocket. And praying the Confideration of the Houfe therein, was prefented to the Houfe and read; and the Queftion being put that the faid Petition be referred to a Committee,

It paffed in the Negative.

Resolved, That the faid Petition be rejected.

Ordered, That Mr *Henry Lee* be added to the Committees of Propofition and Grievances and Courts of Juftice, Mr *Hutchings* to the Committee of Trade, and Mr *Claiborne*, to the Committee of Courts of Juftice.

Mr *George Washington* laid before the Houfe a Report from the Commiffioners appointed by Act of Affembly to examine, ftate, and fettle, the Account of the Pay, Provisions, Arms, and Neceffaries, for the Militia of this Colony; which was read, and is as follows:

66 The Commiffioners not thinking themfelves empowered by Law to allow fome of the Officers lately employed in the Service of the Country the Pay by them demanded, have judged it neceffary to add a Representation of fuch Officers Cafes refpectively in the Manner they appeared, as follows:

Colonel *Adam Stephen*, who had been employed by his Honour the Governour as Commander in Chief of the Militia in the Northern Diftrict, and who is Lieutenant of the Counties of *Hampshire* and *Frederick*, requested to be allowed 20s. a Day for his Service in both thofe Counties; and though it appeared that his Expence and Trouble in the Execution of his Office had been confiderable, they have allowed him only 10s. a Day, being the Pay allowed by Law to a County Lieutenant.

It appeared to the Commiffioners that Capt. *John Field*, of the County of *Culpeper*, was by Col. *Stephen* appointed to act as Major of the Militia in his Diftrict; and that the Colonel had from Time to Time given the faid *Field* written Orders and Inftuctions to vifit the feveral Pofts, make Returns, &c. That Capt. *Field* had in all Things ftrictly performed the faid Office, and had been extremely active, brave, and zealous in the Defence of his Country, constantly expofed to the greateft Dangers, and expending
 67 confiderable Sums of Money in Order to appear with becoming Dignity in his Office, which would have been unneceffary had he remained a private Volunteer, which was the Station he at firft engaged in. It further appeared that Col. *Stephen* had Directions
 from

from his Honour the Governour to employ Capt. *Field*, in such Manner as he thought he could be most serviceable to the Country.

It also appeared that *George Wilson* had obtained a Commission to act as Major of the County of *Hampshire*, and that he had the Command of a Company of the *Hampshire* Militia given him by Col. *Stephen*; that the said *Wilson* had also been brave and active, in the Command of the said Company: But it appearing, from the Testimony of Col. *Stephen*, that the said *Wilson* was intended only to act as Major of the Militia of *Hampshire*, and as Captain with Respect to the Company he commanded, the Commissioners have thought fit to allow the said *Wilson* only Captain's Pay, and to refer his Case to the General Assembly for a further Allowance, if they should think proper to give him any. And, upon the Whole, the Commissioners think that Capt. *Field*, in Equity and Justice, is entitled to the Pay of a Major, or an Allowance equal thereto: But as he was not lawfully appointed, they do not think themselves authorized to allow him his Pay; and therefore, in Justice to his Merit, do earnestly recommend him to the Favour of the House.

That Captain *Luke Collins*, of the *Hampshire* Militia, was ordered by Col. *Stephen* 64 to join Major *Wilson* with as many able Men as should be in his Power to collect in a short Time, and to march in Quest of a Party of *Indians* who had killed several of the Inhabitants of *Hampshire*, at a Place called *Welton's Meadow*; in Consequence of which Order Capt. *Collins* did march with 21 Men under his Command, not having Time to raise a greater Number; That he, with Major *Wilson* and his Party, did overtake the Party of *Indians* at *Cheat River*, attacked and killed three of them, wounding several others, and retook a Prisoner who had been carried from *Welton's Meadow*, together with a large Quantity of Plunder: And that Capt. *Collins*, with his Party, were out on the said Service ten Days. The Commissioners not thinking themselves authorized by Law to allow the Captain his Pay, on Account of the small Number of Men in his Company, have allowed the Men their Pay, and refer his Case to the House.

That Capt. *John Mofs*, with Lieutenant *Gore*, an Ensign, and 24 private Men, were ordered by Colonel *Minor* of *Loudoun County* to march to *Winchester*, there to take Orders from Col. *Stephen*, and to proceed from thence as he should direct; at the same Time telling Capt. *Mofs* that he would complete the Company, and send the Number 69 then wanting immediately up to *Winchester*, under the Command of an Officer: That some Time after Capt. *Moff's* Arrival at *Winchester* he was ordered by Col. *Stephen* to proceed to one of the Forts on the Frontiers, and an Express was sent by Colonel *Stephen* to inform Col. *Minor* that he need not send up any more Men until further Orders; which Express met the Men sent by Col. *Minor*, with Intent to join Capt. *Mofs*, on the *Blue Ridge*, whereupon they returned, and Capt. *Mofs* remained in the Service, with the afore said Company, 60 Days. The Commissioners, therefore, have only allowed the Ensign, two Sergeants, and the private Men their Pay, referring the Captain and Lieutenant to the Consideration of the House.

Ordered, That the said Report be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Edmund Pendleton*, from the Committee of Courts of Justice, reported that the Committee had, according to Order, examined what Laws have expired since the 4th Session of Assembly, and inspected such Laws as will expire at or soon after this Session of Assembly, and had agreed upon a Report, and come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again 70 twice read and agreed to by the House, as follow:

Resolved, That the Act of Assembly made in the 19th Year of the Reign of his late Majesty King *George II*, entitled, *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*, which hath been continued by several Acts, and amended by two other Acts in the 1st and 3^d Years of his present Majesty's

Majesty's Reign, and which will expire on the 12th Day of *April* 1766, ought to be further continued.

Resolved, That the Act of Assembly made in the 22^d Year of the Reign of his late Majesty King *George II.* entitled, *An Act for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs*, together with three Acts made in the 25th, 27th, and 28th Years of his said late Majesty's Reign, also three other Acts made in the 1st, 3^d and 4th Years of his present Majesty's Reign, for continuing and amending the same, which will expire at the End of the Session of Assembly to be held next after the 10th Day of *April* 1766, ought to be continued, with Amendments.

Resolved, That the Act of Assembly made in the 30th Year of the Reign of his late Majesty King *George II.* entitled, *An Act for reducing the several Acts made for making Provision against Invasions and Insurrections into one Act*, which was continued by another Act made in the 3^d Year of his present Majesty's Reign, and which will expire on the 8th Day of *June* next, ought to be further continued.

Resolved, That the Act of Assembly made in the 23^d Year of the Reign of his late Majesty King *George II.* entitled, *An Act for reducing the several Acts made for laying a Duty on Liquors into one Act*, which was continued by another Act made in the 1st Year of his present Majesty's Reign, and which will expire on the 10th Day of *June* next, ought to be further continued.

Ordered, That the Committee of Courts of Justice do bring in a Bill, or Bills pursuant to the 1st Resolution.

Ordered, That the Committee of Propositions and Grievances do bring in a Bill, or Bills, pursuant to the 2^d and 3^d Resolutions.

Ordered, That the Committee of Trade do prepare and bring in a Bill, or Bills pursuant to the last Resolution.

Ordered, That it be an Instruction to the Committee to whom it is referred to bring in a Bill, or Bills, pursuant to the 2^d Resolution, that they receive a Clause a Clauses pursuant to the 9th Resolution of the Committee of Propositions and Grievances, agreed to by the House Yesterday.

A *Petition* of *William Blanton*, setting forth that in a Skirmish with the *Indians* in *May* last, under the Command of Capt. *Charles Lewis*, he was shot through the Thigh, by which means he is rendered incapable of getting a Livelihood; and praying the Consideration of the House in the Premises, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same with their Opinion thereon, to the House.

A *Bill* For dividing the County of *Lunenburg* into three distinct Counties, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

Mr *Pendleton*, reported that the Committee appointed had, according to Order, prepared an Address to his Honour the Governour; which he read in his Place, and then delivered in at the Table, where the same was again twice read, and agreed to, with some Amendments, as follows:

Sir,

The Burgeffes of Virginia, now met in General Assembly, have had under their most serious Consideration that Part of your Honour's Speech recommending the Re-examination of the Complaints of the British Merchants to the Right Honourable the Board of Trade, relating to our Paper Money, with the Resolutions of their Lordships thereupon: And that we might proceed with a Deliberation that should fully evince the Rectitude of our Intentions, we revised the several Laws authorizing the Paper Emissions, and directing the Rate of Exchange at which Judgments for Sterling Money should be discharged; and have also reviewed our Reasons, presented to your Honour at a former Session, in Support of the Justice of those Laws. The present Proposition being only that we should secure the Payment of Sterling Debts in Sterling Money, here, or in Great Britain, we examined how either of those Payments might be effected; and as we have not Sterling Specie to pay here

¹ Hening, VI, p. 154.

² *Ibid.*, VII, p. 106.

³ *Ibid.*, VI, p. 198.

here, which the Merchants well know, we could secure the Sterling Creditors from Injury, in the Receipt of the Paper by no other Means, that we can suggest, except by directing that they should be paid so much Paper as would place their Money in Britain without Loss. This, we are still of Opinion, the Law directing the Courts to settle the Exchange on all Judgments fully effects; to which we can add no greater Security, without altering our Currency in that essential Part that makes it a legal Tender in all Payments, which we think, we cannot do without violating the Principles of natural Equity, in regard to the present Possessors. And as we conceive an Alteration unnecessary with Respect to the Creditors, and might be attended with Oppression as well as Injustice to the Debtors, we can by no Means agree to that Measure; especially as a Payment in Paper is preferable to one in Sterling Specie here, if such we had to pay, since that Specie could not be sent to Britain without a Loss of Freight and Insurance. 74

We have also considered the Letter from the Earl of Halifax, laid before us, relative to the Establishment of Ferries, and other Articles for the Convenience of the Post, and think that our Laws sufficiently provide for such Convenience; but being fully convinced of the Usefulness of a regular Post we shall be ready at all Times to adopt such Measures as shall be pointed out to us for the better effecting so salutary a Purpose.

Ordered, That the said Address be fairly transcribed, and presented by the Committee who drew the same.

A *Petition* of divers Freeholders and Inhabitants of the County of *Caroline*, setting forth that having seen a Bill, entitled, A Bill to establish a more easy and expeditious Method for the Trial of Criminals, and of Causes depending in the General Court, which was brought into a former Session of Assembly, and ordered to be printed, they considered that as an Appeal to the Publick for their Sentiments on the Bill. 75

That they have long considered that the Attendance of Suitors and Witnesses, from all Parts of the Country, at *Williamsburg*, for the Trial of Suits in the General Court, must necessarily occasion great Expence, Trouble, and Loss of Time, which might in a great Measure be saved if the Trials were nearer home; and at the same Time, while all Trials of Suits in the Supreme Court are to be had at one Place, as the Number of Suits will increase in Proportion to the Growth of the Colony, such a Delay of Justice will necessarily be introduced as must end in the Ruin of Suitors, the Destruction of Publick Credit, and the Trade and Commerce of the Colony.

That they are also of Opinion that there is much unnecessary Expence and Trouble occasioned by carrying the Criminals, with their Venires and Witnesses, from all Parts, for their Trials at *Williamsburg*, which might be saved in the Method proposed by the said Bill.

They therefore humbly propose that the Bill aforesaid, or some other of the same Nature, may pass into a Law.

Also two *Petitions* of divers Inhabitants of the Counties of *Effex* and *King* and *Queen*, to the same Effect, were severally presented to the House and read. 76

Ordered, That the said *Petitions* be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

And then the House adjourned until To-morrow Morning 11 o'Clock.

Saturday, the 10th of November. 5 Geo. III. 1764.

A *Petition* of *John Dix*, setting forth that in the publick Levy in the Year 1756, there remained in the Hands of the Sheriff of *King* and *Queen* a Depositum of 10,736 lbs. of Tobacco, to be accounted for in the next publick Levy, which Tobacco was collected by him and *Joseph Starling*, then Under Sheriffs, in the following Proportion, that is to say, 4522 by the said *Starling*, and 6214 by himself, both which being in Transfer they received from the Inspectors 12s. 5d. a Hundred for it, being the Price at which the Transfer sold that Year: That in the next publick Levy, in 1758, the said Tobacco being levied by the Sheriff, they were obliged to pay for the same

⁷⁷ 21s. 6d. a Hundred, by which they sustained a Loss of 9s. 1d. a Hundred, without any Fault of theirs; and it was agreed that Application should be made to the General Assembly for Redress, which the said *Starling* undertook to make, and accordingly petitioned in the Year 1759; and hearing he had succeeded, charged Mr *Starling* with his Proportion of the Loss; but he, dying soon after, and on Inquiry, found that Mr *Starling* applied for, and was allowed only for the Loss on his Proportion of 4522 lbs. which Discovery was made during the Session of Assembly in November 1762, and, as it happened, after the House had passed an Order against receiving any other Claims in that Session: And praying that he may be allowed his Loss aforeaid, amounting to £28. 4. 5, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Edmund Pendleton*, from the Committee of Courts of Justice, presented to the House, according to Order, a Bill For further continuing the Act, entitled, *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*: and the same was read the first Time, and ordered to be read a second Time.

⁷⁸ Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the Committee had had under their Consideration that Part of the Report of the Commissioners appointed by an Act of Assembly, entitled, *An Act for appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned*, as relates to the Conduct and Services of Col. *Adam Stephen*, and had agreed upon a Report, and come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where the same was again twice read, and agreed to by the House, as follows:

Your Committee begs Leave to inform the House that Mr *Thomas Rutherford* appeared before them, and exhibited a Charge in Writing reflecting on the Conduct of Col. *Stephen*, who being called upon declared that he was not now provided with Evidence to defend himself against the said Charge; and it was then agreed between them that the Examination thereof should be postponed to a future Day. And thereupon

⁷⁹ *Resolved*, That as well the said Col. *Stephen* as Mr *Rutherford* be at Liberty to examine and take the Depositions of such Witnesses as they shall think proper, before *Thomas Bryan Martin, James Wood, John Hite and John Nevil*, Gentlemen, or any three of them, at the House of *Bryan Bruin* in *Winchester*, on the 26th Instant, or on such other Days as they the said Commissioners shall from Time to Time adjourn to for that Purpose; and that they return the Depositions so to be taken to this Committee, on or before the 10th Day of *December* next.

Mr *Rutherford* laid before the Committee the Depositions of sundry Persons, to which Col. *Stephen* objected, as being taken *ex parte*; but agreed that the Depositions of such of them as cannot be re-examined, upon Proof thereof made before this Committee, may be read in Evidence upon the further Consideration of the said Charge.

Resolved, That the further Consideration of the said Charge be referred to the 10th Day of *December* next.

Ordered, That Mr *Greenhill* be added to the Committee of Trade.

An engrossed Bill, entitled, *An Act for dividing the County of Lunenburg into three distinct Counties*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Read* do carry up the said Bill to the Council for their Concurrence.

And then the House adjourned until Monday Morning 11 o'Clock.

Monday

¹ Hening, V, p. 326,

² *Ibid.*, VII, p. 124.

³ *Ibid.*, VIII, p. 41.

Monday. the 12th of November. 5 Geo. III. 1764.

MR Pendleton reported that the Committee appointed had, according to Order, waited on his Honour the Governour with the Address of this House of Friday last, to which his Honour was pleased to say he would return and Answer in Writing.

A written Message from the Governour was delivered by Mr Walthoe, as follows:

Mr Speaker, and Gentlemen of the House of Burgeffes,

I shall take the earliest Opportunity of transmitting your Address to the Right Honourable the Lords of Trade and Plantations, submitting to their Lordships, Judgment the Reasons assigned therein for your Non-Compliance with the Proposition offered by the Merchants of Great Britain to the Legislature of this Colony. If their Lordships should think them insufficient to remove the Cause of Complaint from the Merchants, they have candidly told you what you have to expect, from their Attention to the Grievances of his Majesty's Subjects when made known to them; and you can blame no one but yourselves for any Consequences which may follow the Reception you have given to Matters recommended to you from that Right Honourable Board.

From the Knowledge I have of the Country, I agree with you that the Ferries and other Requisites for carrying on a regular Post through this Colony are in general already well provided for; and if any future Wants should be made to appear from the Officers concerned in that Branch of the Revenue, I make no Doubt but you will concur in any Measures conducive to make it still more convenient and useful to his Majesty's Subjects on this Continent. ⁸¹

Mr Attorney, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill For further continuing the Act for reducing the several Acts for making Provisions against Invasions and Insurrections into one Act.

Also a Bill For allowing the full Fees to which the Lawyers practising in the several Courts of this Colony are entitled, in particular Cases therein mentioned, to be taxed, upon Recovery, in the Bill of Costs; and the said Bills were read the first Time, and ordered to be read a second Time.

A Petition of divers Inhabitants of the Counties of Caroline and Hanover, setting forth that the Navigation of Pamunkey River is greatly obstructed by several Hedges and Stone Stops being erected therein; to the great Prejudice of the said Inhabitants; and praying the same may be remedied, and that the Act of Assembly for clearing the said River, and for the Prevention of setting up Hedges and Stone Stops, so far as relates to the Recovery of the Penalties inflicted by the said Act, may be amended, or such Alterations made therein as to this House shall seem reasonable, was presented to the House and read. ⁸²

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

An Account of Thomas Doran, for three Months Pay as a Soldier in the Virginia Regiment.

Also an Account of Joshua Powell, for his Company's Pay, amounting to £41. 16; were severally presented to the House and read.

Ordered, That the said Accounts be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

And then the House adjourned until To-morrow Morning 11 o'Clock.

Tuesday

Tuesday, the 13th of November, 5 Geo. III. 1764.

83 **O**RDERED, That Mr *Bridger* be added to the Committee of Courts of Justice.

Mr *Pendleton*, from the Persons appointed, presented to the House, according to Order, a Bill To enable Tenants in Taille to make Leafes of their Lands; and the same was read the first Time, and ordered to be read a second Time.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the Committee had had under their further Consideration the Report of the Commissioners appointed to examine and state the Accounts of the Militia lately ordered out into actual Service, to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again read, and are as follow:

Resolved, That it is the Opinion of this Committee that Mr *John Field*, named in the said Report, who acted as a Major for the County of *Hampshire*, in the Defence of the Frontiers, under the Appointment of Col. *Adam Stephen*, ought to be allowed the Pay of a Major during the Time he was employed in that Service.

Resolved, That it is the Opinion of this Committee that Capt. *George Wilson*, who was also appointed to act as a Major for the said County of *Hampshire*, but as a Captain only with Respect to the Company of Militia he commanded, ought not to be allowed the Pay of a Major.

84 *Resolved*, That it is the Opinion of this Committee that Capt. *Luke Collins*, also named in the said Report, who went out with 21 Men only under his Command not having Time to raise more, in Pursuit of the *Indians* attacked and killed some of them, and wounded others, ought to be allowed the Pay of a Captain for his said Services.

Resolved, That it is the Opinion of this Committee that Capt. *John Mofs*, and Lieutenant *Gore*, who were also employed in the publick Service, with an Ensign, and 24 private Men only, the Rest of their Company, who were marching to join them, being ordered back by Colonel *Stephen*, ought to be allowed respectively their Pay, as Captain and Lieutenant, during the Time they were so employed.

The *first*, *third* and *fourth* Resolutions, being read a second Time, and the Question severally put that the House agree thereto,

Resolved in the Affirmative.

The *second* Resolution being also read a second Time, and the Question thereupon put that the House agree thereto,

It passed in the Negative.

And on a *Motion* made,

85 *Resolved*, That Capt. *George Wilson*, who acted as a Major for the said County of *Hampshire*, in the Defence of the Frontiers, under the Appointment of Col. *Adam Stephen*, be allowed the Pay of a Major during the Time he was engaged in that Service.

A *Claim* of *Thomas Bates*, for 56 Days Pay as a Drummer in Capt. *Ashley's* Independent Company.

Also a *Claim* of *William Thompson*, for taking up a Runaway therein mentioned.

Also fundry *Accounts* from divers Persons of the County of *Halifax*, for Provisions furnished the Militia drawn out into actual Service, also Accounts of several Officers in Behalf of themselves and the Companies under their Command for their Pay as Militia of the said County, and for Horses, &c. impressed into the Service of this Colony, and for other Purposes therein mentioned.

Also a *Petition* of *Edward Carvin*, setting forth that he was employed last Summer as a Scout on the fourth western Frontier by the Appointment of Col. *Lewis*, and in attempting to ford the *New River* in Quest of the Enemy he lost a fine rifle barrel Gun, of the Value of £10; and praying that he may be allowed for the same by the Publick.

Also a *Petition* of *William Man*, setting forth that ever since the Commencement of the last *Indian* War he hath been constantly employed as a Look-out, or Scout, on the Frontiers

Frontiers: which Service he heartily engaged in, and cheerfully performed for the Truth ⁸⁶ of which, so far as regards his Duty and Behaviour as a Soldier, he begs Leave to refer to his Commanding Officer, and Col. *Lewis*, Lieutenant of the County of *Augusta*: That on the 26th Day of *April* last, being then on Duty, and engaged with the Enemy, had the Misfortune to be shot through his Breast and one of his Arms, which has totally deprived him of the Use of it, as also of the Means of Livelihood, and laid him under the Necessity of being at an Expence for his Cure no Way proportionable to his Circumstances; and praying a Recompense for his Wounds and Services from the Publick.

Also a *Petition* of *Robert Armstrong*, setting forth that he was a Soldier in Capt. *Walter Cunningham's* Company of Militia stationed last Summer at Fort *Young*, in the County of *Augusta*; and in an Engagement with the Enemy, in the Month of *April* last, he received a Wound in his Body, and notwithstanding his Application to a Surgeon, and at a great Expence, his Wound is yet uncured, which renders him unable to labour for the Support of himself, his Wife and Children; and praying the Consideration of this House therein.

Also a *Petition* of *Francis Jackson*, setting forth that he was a Volunteer in Capt. *Charles Lewis's* Company of Militia stationed last Summer at Fort *Dinwiddie*, in the County of *Augusta*; and in an Engagement with the Enemy, in the Month of *May*, he received a Wound in his Back, and through his Shoulder, which hath cost him a considerable Sum to a Doctor, but hitherto without Success, whereby he is rendered unable to support himself at all by Labour; and praying such Relief as shall by this Honourable House be thought reasonable, were severally presented to the House and read.

Ordered, That the said Claims and Petitions be referred to the Consideration of the Committee of Claims, that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

On a *Motion* made,

Resolved, That this House will resolve itself into a Committee to consider the State of the Colony.

Ordered, That the several Letters to and from the Agent, with the Letter addressed to the Speaker from the Committee for the *Massachusetts* Government, which were ordered to lie on the Table, be referred to the same Committee.

The House immediately resolved itself into the said Committee, pursuant to the ⁸⁸ above mentioned Resolution of the House; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had that Matter under their Consideration, and had come to several Resolutions thereon.

Ordered, That the same be reported to the House To-morrow.

And then the House adjourned until To-morrow Morning 11 o'Clock.

Wednesday, the 14th of November, 5 Geo. III. 1764.

MR *Benjamin Harrison*, from the Committee of Trade, presented to the House. according to Order, a Bill For further continuing an Act, entitled, *An Act for reducing the several Acts made for laying a Duty on Liquors into one Act*; and the same was read the first Time, and ordered to be read a second Time.

A *Petition* of *George Heal*, setting forth that he is possessed, under the last Will and Testament of his late Father, *John Heal*, of the County of *Lancaster*, of several Tracts of Land, and of several Slaves also, as Tenant in Taille Male.

That he is also seized in Fee Simple of a Tract of Land containing 1130 Acres, in the County of *Fauquier*, which he purchased of one *Thomas Edwards*.

And he humbly conceives that it would be much more to the Benefit and Advantage, as well of himself and his Family, as of the Heir of his Body, and it would also enable him to make some Provision for his younger Children, if he was vested with the absolute ⁸⁹ Property

Property of Part of the faid entailed Slaves, and the faid 1130 Acres of Land in *Fauquier* County, which is of greater Value, were fettled on him and the Heirs of his Body, in Lieu of the faid Slaves.

Ordered, That a Bill be brought in agreeable to the faid Petition, and it is referred to Mr *Landon Carter* to prepare and bring in the fame.

A *Petition* of Mr *John Syme*, fetting forth that *Mildred* his Wife was feized in Fee Taille of feveral Parcels of Land, and in Fee Simple of fome others and the Petition having more convenient and valuable Lands of his own, did, with the Consent of the faid *Mildred*, in her Lifetime, agree to fell feveral Tracts of the faid Land, and received the Confideration; but before Conveyances were executed the faid *Mildred* died, leaving Iffue by the Petitioner *John Syme*, her eldeft Son, and three other Children.

That the faid *Mildred* was feized in Fee Simple of 12 unimproved Lots in the Town of *Newcastle*, which muft remain of no Value unlefs the Petitioner was empowered to fell or improve them, until his Son fhall fucceed to the Eftate.

That the *Petitioner* is feized in Fee Simple of about 400 Acres of Valuable Land near *Newcastle* in the County of *Hanover*, purchafed of *Reuben Skelton* and *William Winfton*, which is adjoining and convenient to a very confiderable Tract of which he was feized in Right of his faid Wife; and it would be a great Advantage to his Family if he was empowered to confirm his Contracts for the Sale of the faid feveral Tracts of Land, and to fell the faid Lots in the Town of *Newcastle* and to veft the faid 400 Acres of Land in the Iffue of the faid *Mildred* in Lieu thereof.

That he hath publifhed Notice of his Intentions to apply to this prefent General Affembly, according to the Royal Inftuctions, and praying that an Act may pafs for that Purpofe, was prefented to the Houfe and read.

Ordered, That a Bill be brought in agreeable to the faid Petition, and it is referred to Mr *Edmund Pendleton*, to prepare and bring in the fame.

A *Petition* of Mr *Charles Carter*, fetting forth that the Soldiers of the *Virginia* Regiment, in Order to avoid the Smallpox fpreading in the faid Regiment, removed from *Fredericksburg*, where that Diftemper had broke out in feveral Families, to his Plantation at *Stanfted*, where they tarried feveral Months during all which Time they cut down and made Ufe of a large Quantity of Timber for Firewood, and greatly damaged his Houfes, which damages were afcertained by a Court of Officers appointed for that Purpofe by Order of Col. *Adam Stephen*, to which he refers, and praying the Confideration of the Houfe therein.

Alfo a *Petition* of *John Craig*, fetting forth that he is well informed, and believes it to be true, that the Colony of *Virginia* is indebted to the Eftate of *John Hamilton*, deceafed, for his Pay as a Lieutenant for 118 Days, at the Rate of 4s. a Day, amounting in the Whole to £23. 12: That the faid *John Hamilton*, deceafed, was killed at General *Braddock's* Defeat, when he was indebted to *David Craig*, his Brother, in the Sum of £43. 13. 3 Halfpenny the greateft Part of which was due to the faid *David Craig* (who was a Merchant) for Regimentals, and other Things neceffary for the faid *Hamilton's* Outfit, as an Officer in the Service of the Country: That fince the Death of the faid *Hamilton* the faid *David Craig* adminiftered on his Eftate, on Purpofe to get the Pay due from the Country to the faid *Hamilton*, which was the moft confiderable Part of the faid *Hamilton's* Eftate: That fome Time fince the faid *David Craig* is alfo dead, and he has duly obtained the Adminiftration of his Eftate; by which all and every the Goods and Chattels, Rights and Credits, which were of the faid *John Hamilton's*, are legally vefted in him. Wherefore he humbly prays that this Worfhipful Houfe will take his Cafe under their Confideration, and grant him fuch Aid in the Premifes as to this Houfe fhall feem reafonable, were prefented to the Houfe and read.

Ordered, That the faid Petitions be referred to the Confideration of the Committee of Claims; that they examine into the Allegations thereof, and report the fame, with their Opinion thereon, to the Houfe.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the faid Committee had had under their Confideration divers Propositions and Petitions from

from feveral Counties to them referred, and had come to two Refolutions thereon, which he read in his Place, and then delivered in at the Table, where they were again read, and are as follow:

Resolved, That it is the Opinion of this Committee that the feveral Petitions of fundry Inhabitants of the Counties of *King* and *Queen*, *Caroline*, and *Effex*, complaining of the great Expence, Trouble, and Lofs of Time, Suitors are put to in attending the Trial of their Caufes in the General Court, and alfo of the great Expence and Trouble occafioned by carrying Criminals with their Venires and Witneffes for Trial at the General Court, and praying that the Bill prefented to a former Seffion of Affembly To eftablifh a more eafy and expeditious Method for the Trial of Criminals, and of Caufes depending in the General Court, or fome other of the fame Nature, may pafs into a Law, be rejected.

Resolved, That it is the Opinion of this Committee that that Part of the Petition of Capt. *Richard Pearis*, praying to be allowed for Horfes and Pack Saddles furnifhed by him for an Expedition againft the *Shawaneſe* Indians, in the Year 1756, which was referred from a former Seffion to the Confideration of this Seffion of Affembly, is reaſonable, and that the ſaid *Richard Pearis* ought to be allowed the Sum of £81.18 for the ſaid Horfes and Pack Saddles, to be paid by the Publick.

The *fiſt* Refolution being read a ſecond Time, and the Queſtion put that the Houſe agree thereto,

It paſſed in the Negative.

Resolved, That the ſaid Petitions are reaſonable.

The *laſt* Refolution being alſo read a ſecond Time, and the Queſtion thereupon put that the Houſe agree thereto,

Resolved in the Affirmative.

Ordered, That the ſaid Committee do prepare and bring in a Bill purſuant to the Refolution of the Houſe.

Ordered, That it be an Inſtruction to the Committee of Claims to make the Allowance in the Book of Claims purſuant to the laſt Refolution.

Ordered, That Mr *Fitzhugh* be added to the Committee of Propoſitions and Grievances, and Mr *William Wager* to the Committee of Courts of Juſtice.

Mr *Attorney*, from the Committee of the whole Houſe reported, according to Order, that the Committee had had under their Confideration the State of the Colony, and the feveral Letters to them referred, and had come to feveral Refolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to, with ſome Amendments, and are as follow:

Resolved, That a moſt humble and dutiful Addreſs be prefented to his Majeſty, imploring his Royal Protection of his faithful Subjects, the People of this Colony, in the Enjoyment of all their natural and civil Rights, as Men, and as Deſcendents of *Britons*; which Rights muſt be violated, if Laws reſpecting the internal Government, and Taxation of themſelves, are impoſed upon them by any other Power than that derived from their own Conſent, by and with the Approbation of their Sovereign, or his Subſtitute: And profeſſing, that as theſe People have at all Times been forward and zealous to demonſtrate their Loyalty and Affection to his Majeſty, and eſpecially by a ready Compliance with the Requiſitions of the Crown to bear their Part in the late War, which they engaged to do with the more Alacrity, from a Confidence that the Royal Benignity would never ſuffer them to be deprived of their Freedom (that ſacred Birthright and ineſtimable Bleſſing) ſo they would be willing to contribute their Proportion of any Expences neceſſary for the Defence and Security of *America*, as far as Circumſtances of the People, already diſtreſſed with Taxes, would admit of, provided it were left to themſelves to raiſe it, by Modes leaſt grievous.

Resolved, That a Memorial be prepared to be laid before the Right Hon. the Lords Spiritual and Temporal in Parliament aſſembled, intreating their Lordſhips, by a proper and reaſonable Interpoſition and Exertion of their Power, not to ſuffer the People of this Colony to be enſlaved or oppreſſed by Laws reſpecting their internal Polity, and Taxes

96 Taxes imposed on them in a Manner that is unconstitutional; and declaring our Hopes that the Preservation of the Rights of any of his Majesty's faithful Subjects will be thought by their Lordships as an Object worthy the Attention of those hereditary Guardians and Protectors of *British* Liberty and Property, and especially as the Subversion of those Rights, in the Instance of taxing the People of *Virginia*, at this Time, when they are most grievously burthened by the Expenses of the late War, must diminish that Consumption of Manufactures furnished to them by their Mother Country, by which her wealth is very greatly augmented, and her Prosperity continued.

Resolved, That a Memorial be prepared to be laid before the Honourable the House of Commons, to assert, with decent Freedom, the Rights and Liberties of the People of this Colony as *British* Subjects, to remonstrate that Laws for their internal Government, or Taxation, ought not to be imposed by any Power but what is delegated to their Representatives, chosen by themselves, and to represent that the People are already taxed, for several Years to come, so heavily, for Expenses incurred in the late War, amounting to near Half a Million, that an Increase of that Burthen by the Parliament, at this Time, would be not only a Violation of the most sacred and valuable Principle
97 of the Constitution, but such an Oppression as would probably draw after it a Defolation in many Parts of the Country, and must divert those of the Inhabitants, who could not remove from it, to manufacture what Articles they have hitherto been supplied with from the Mother Country, and consequently one grand Source of Wealth and Prosperity will be stopped up.

Resolved, That the Committee appointed to correspond with the Agent of this Colony in *Great Britain* pursuant to an Act of Assembly For appointing an agent, be directed to answer the Letter of the 25th of *June* last from the Committee of the House of Representatives of the Province of *Massachusetts* Bay to the Honourable the Speaker of the House of Representatives for the Province of *Virginia*, and to assure that Committee that the Assembly of *Virginia* are highly sensible of the very great Importance it is, as well to the Colony of *Virginia*, as to *America* in general, that the Subjects of *Great Britain* in this Part of its Dominions should continue in Possession of their ancient and most valuable Right of being taxed only by Consent of their Representatives, and that the Assembly here will omit no Measures in their Power to prevent such essential Injury from being done to the Rights and Liberties of the People.

98 *Ordered*, That a Committee be appointed to draw up the Address, and Memorials, in the said Report mentioned; and it is referred to Mr *Attorney*, Mr *Richard Henry Lee*, Mr *Landon Carter*, Mr *Wythe*, Mr *Edmund Pendleton*, Mr *Benjamin Harrison*, Mr *Cary*, and Mr *Fleming*, to prepare and bring in the same.

And the House adjourned until To-morrow Morning 11 o'Clock.

Thursday. the 15th of November. 5 Geo. III. 1764.

A *Petition* of the Trustees of the Town of *Falmouth*, in the County of *King George*, setting forth that the main Street of the said Town is at present 150 Feet wide, which is more than necessary, and that it would be a very considerable Improvement to the said Town if 50 feet in Breadth of the said Street was laid off into Lots, and they empowered to sell them, and lay out the Money in other Improvements, agreeable to the Directions of the Act for establishing the said Town; and that Purchasers of Lots in the said Town may be left at Liberty to build according to their Circumstances and Convenience, without Restraint; and that the Inhabitants thereof may be prevented from building wooden Chimnies to their Houses, and from
99 suffering Hogs to run at large therein; and praying that an Act may pass for that Purpose, was presented to the House and read.

Ordered

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof and report the same with their Opinion thereon to the House.

On a *Motion* made,

That it be an Instruction to the Committee to whom it is referred to bring in a Bill For amending the Act, entitled, *An Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs*, that they receive a Clause or Clauses for repealing so much of the said Act as directs a Review of Tobacco by Justices of the Peace, after the same had been inspected; and the Question being thereupon put, the House divided,

Ays go forth,	Ays, counted by Mr <i>Edmund Pendleton</i>	16
	Noes, counted by Mr <i>Littlepage</i>	33

It passed in the Negative.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the Committee had had under their Consideration divers Propositions and Petitions from several Counties to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Petition of fundry Inhabitants of the County of *Frederick*, praying that the said County may be divided into two distinct Counties, by a Line to be run from *Ashby's Gap*, a straight Course, until it intersects the *Hampshire* Line, be rejected.

Resolved, That the several Petitions of fundry other Inhabitants of the said County, in Opposition of the said Petition, are reasonable.

Resolved, That the Petition of fundry Inhabitants of the County of *Halifax*, praying that a Mill, built near the Mouth of *Hyco* River, and now belonging to one *Howard Hurst*, as obstructing the Passage of Fish up the said River, may be discontinued, be rejected.

Resolved, That the Petition of fundry Inhabitants of the Counties of *Hanover* and *Caroline*, praying that the Penalties inflicted on Persons setting up Hedges and Stops in *Pamunkey* River, may be made recoverable before a single Justice of the Peace, or some other Amendments made to the Laws relating thereto, is reasonable.

Resolved, That the Petition of fundry Inhabitants of the County of *Elizabeth River*, praying that they may be allowed to build a Bridge over the fourth Branch of *Back* River by Subscription, be rejected.

Resolved, That a Petition of fundry other Inhabitants of the said County, in Opposition thereto, is reasonable.

Resolved, That the Petition of *Henry Allen*, praying that he may be allowed to build a Bridge over the said Branch of *Back* River at his own Expence, and to receive a reasonable Toll from Persons passing over the same; and also that one Acre of Land on each Side of the said Branch may be vested in him, upon his paying the Proprietors the Value thereof, is reasonable.

Resolved, That the Petition of fundry Inhabitants of the County of *Hampshire*, praying that the Reward for killing Wolves may be increased, is reasonable.

Ordered, That the said Committee do prepare and bring in a Bill, or Bills pursuant to the 4th, 7th, and 8th Resolutions.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For the Preservation of Sheep, and it is referred to Mr *Benjamin Grymes* to prepare and bring in the same.

Mr *Cary*, from the Committee of Claims, reported that the Committee had had under their Consideration several Petitions and Claims to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table where they were again read, and agreed to by the House, and are as follow:

Resolved, That the Allegations of the Petition of *James Boyd* are true, and that he ought to be allowed the Sum of £65, for the Slave in his Petition mentioned.

Resolved

¹ Hening, VIII, p. 69,

Resolved, That *John Dix* ought to be allowed the Sum of £28.4.5, for the Loss sustained on the Tobacco in his Petition mentioned.

Resolved, That *Thomas Booth* ought to be allowed the Sum of £34.2.8, charged in his Account, for the Bounty Money and Subsistence of the three Recruits in his Petition mentioned.

Resolved, That the Sum of £15, charged in his Account for his Expenses in the recruiting Soldiers enlisted by him, be rejected.

Resolved, That the sum of £15, for his Pay as a Lieutenant in the recruiting Service, be rejected.

Resolved, That *Dougal Campbell* ought to be allowed the Sum of £5, for his present Relief, and the further Sum of £5, *per Annum* during his Life, as a Consideration for the Wound he received in the Service.

103 *Resolved*, That *William Blanton* ought to be allowed the Sum of £15, in Consideration of the Wounds he received in the Service, and to reimburse him the Expence attending his Cure.

Resolved, That *Richard Bolton* ought to be allowed the Sum of £5 for his present Relief, and the further Sum of £5 *per Annum* during Life.

Resolved, That the Petition of *John Creagh* be rejected, it not appearing to this Committee that he ever was wounded or disabled in the Service of the Colony.

Ordered, That the Committee of Claims do make an Allowance in the Book of Claims pursuant to the 1st, 2^d, 5th, 6th, 7th, 8th, and 9th Resolutions.

Ordered, That the said *Thomas Booth* be allowed his Claim in the Settlement of his Accounts with the Publick.

Mr *Cary* also reported that the Committee had had under their Consideration several other Petitions and Claims to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again read, and are as follow:

Resolved, That it is the Opinion of this Committee that *Francis Jackson* ought to be allowed the Sum of £40 for his present Relief, and the further Sum of £5 *per Annum* during his Life, as a Recompense for the Wounds he received in the Service of the Country.

104 *Resolved*, That it is the Opinion of this Committee that *William Man* ought to be allowed the Sum of £30 for his present Relief, and the further Sum of £10 *per Annum* during his Life, as a Recompense for the Wounds he received in the Service of the Country.

Resolved, That it is the Opinion of this Committee that *Robert Armstrong* ought to be allowed the Sum of £50, as a Recompense for the Wounds he received in the Service of the Country.

Resolved, That it is the Opinion of this Committee that *Edward Carvin* ought to be allowed the Sum of £5, for the Gun in his Petition mentioned.

Resolved, That it is the Opinion of this Committee that *John Terrier* ought to be allowed the Sum of £20, as a Recompense for the Damages he sustained by the *Virginia* Regiment.

Resolved, That it is the Opinion of this Committee that *Robert Brackenridge* ought to be allowed for the Pay of three Men omitted in his Pay Roll, to wit, *Samuel Meredith* £3.1, *Robert Kirkum* and *Joseph Bates* 14s. each, it appearing to this Committee that they never received any Pay from the Publick, though in actual Service.

105 On considering the *Petition* of *John Ashworth*, it appeared to your Committee that the Account for Waggonage in his Petition mentioned was rejected by your Committee at a former Session of Assembly, it then and now appearing that fundry Goods, to the Value of the Waggonage, were stolen out of the said Waggon, and never delivered to the Officer appointed to receive them.

Resolved, That it is the Opinion of this Committee that the said Petition be rejected.

On

On confidering the *Petition* of *John M'Nelly*, Armorer in the laft *Virginia* Regiment, it appeared to your Committee that the Petitioner hath already received the Sum of £5 from the Quartermaster, in Part of his Claim.

Resolved, That it is the Opinion of this Committee that he ought to be allowed the Sum of £3 by the Publick, in full Satisfaction for his faid Claim.

The *fix* firft Resolutions being read a fecond Time, and the Queftion put that the Houfe agree thereto,

Resolved in the Affirmative.

The *two* laft Resolutions being alfo read a fecond Time, and the Queftion put that the Houfe agree thereto,

It paffed in the Negative.

And on a *Motion* made,

Ordered, That the faid Resolutions be recommitted to the faid Committee.

Ordered, That the Committee of Claims do make the Allowances in the Book of Claims, purfuant to the 6 firft Resolutions. 106

And then the Houfe adjourned until To-morrow Morning 11 o'Clock.

Friday, the 16th of November. 5 Geo. III. 1764.

MR *Landon Carter* prefented to the Houfe, according to Order, a Bill For vefting the abfolute Property of certain Slaves therein named in *George Heal*, and for fettling a certain Tract of Land therein mentioned on the faid *George Heal* in Lieu of the faid Slaves; and the fame was read the firft Time, and ordered to be read a fecond Time.

A *Petition* of *Michael Teibolt*, praying to be allowed for a Horfe impreffed into the Service of this Colony by Capt. *Afhby*, in the Year 1759, for which he hath not received any Satisfaction.

Alfo a *Claim* of *Abel Farrar*, a Lieutenant in the new Recruits, for his Pay for 139 Days at 5s. a Day, amounting to £34. 15, and praying he may be allowed the fame by the Publick; were prefented to the Houfe and received.

Ordered, That the faid Claims be referred to the Confideration of the Committee of Claims; that they examine into the Allegations thereof, and report the fame with their opinion thereon, to the Houfe.

Mr *Archibald Cary*, from the Perfons appointed, prefented to the Houfe, according to Order, a Bill To prevent Perfons driving diftempered Cattle from *North Carolina*, and other Places, into this Colony, and the fame was read the firft Time, and ordered to be read a fecond Time. 107

A *Petition* of *Thomas Mann Randolph*, fetting forth that fome Time ago he difpofed of a Parcel of Land, of about 1500 Acres, in the County of *King William*, to *Carter Braxton*, Efq; fince which he hath difcovered that the faid Land is entailed on him by the Will of [*Ralph Wormeley*]¹ deceased; and that he is difirous the faid——Title fhould be fecured and confirmed to *Carter Braxton* in Fee, and is willing to fettle——Acres of Fee Simple Land, of great Value, in the County of *Amherft*, in Lieu of the faid entailed Lands; and that he hath publifhed the Notice required by his Majefty's Royal Inftuctions in fuch Cafes; and praying that an Act may pafs for that Purpofe, was prefented to the Houfe and read.

Ordered, That a Bill be brought in agreeable to the Prayer of the faid Petitioner, and it is referred to Mr *James Littlepage* to prepare and bring in the fame.

Mr *Attorney*, from the Committee of Propofitions and Grievances, prefented to the Houfe, according to Order, a Bill For increafing the Reward given for killing Wolves, and the fame was read the firft Time, and ordered to be read a fecond Time. 108

Mr *Attorney* alfo reported that the faid Committee had had under their Confideration two Petitions to them referred, and had come to two Resolutions thereon; which he

¹ Henning, VIII, p. 161.

he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to, as follow:

Resolved, That the Petition of fundry Inhabitants on the east Side of *Hampton* River in the County of *Elizabeth City*, praying that the Ferry from *Hampton* over the said River, to the east Side thereof, may be made a County Charge, is reasonable.

Resolved, That the Petition of *William Frazer*, praying that the publick Landing Place from the Ferry which he now keeps, over *Mattapony* River, may be established at a Caufey he has lately raised through a Marsh on the opposite Side, is reasonable.

Ordered, That the Committee of Propositions do prepare and bring in a Bill or Bills pursuant to the said Resolutions.

A Petition of John Gregg, setting forth that his Father *John Gregg*, late of the County of *Prince William*, died in or about the Year 1742, possessed of several Tracts of Land and Slaves; one Tract of the same be devised to him in Taille, containing upwards of 2000 Acres lying in *Fairfax* County, on *Occoquan* River; another Tract he devised to his second and last Son, *Matthew Gregg*; a third Tract he left for the Use and Benefit of his Relict, Mrs. *Elizabeth Gregg*, the Petitioner's Mother, for her better Support during Life; the Rest of his Estate, real and personal, he left to be sold to pay his Debts, which, by bad Management, was, with the Slaves, insufficient to pay the Debts, educate and clothe the Children; the entailed Lands being barren, poor, and unfit for Cultivation, became very burthensome, by Reason of a long Arrearage of Quitrents and Taxes, which he is altogether unable to pay, having no immediate Means to raise so large a Sum, whereby it is liable to be re-entered and vested again in the Lord Proprietor of the Northern Neck; and he begs Leave to represent to this Honourable House that he was bound in his Minority to the Sea; where he served in his Majesty's Navy at the several Sieges of *Martinico Grenada*, and the *Havannah*, &c. and being returned to his native Country, having no Slaves to cultivate the said entailed Lands (if it was fertile and fit for Cultivation) finds it impossible to furnish himself with the Necessaries of Life, and lay the Foundation of a comfortable Living, according to the true Intent of the Testator his Father, and altogether deprived of the Power of selling the said Lands for any valuable Consideration, whereby he could raise Money to buy Slaves, and other Lands fitter for Cultivation; and praying this Honourable House will take the Matter into their serious Consideration, and grant that a Law may pass to dock the Entail of the said Lands devised to him in Taille as aforesaid, was presented to the House and read.

Ordered, That a Bill be brought in agreeable to the Prayer of the said Petition, and it is referred to Mr *Edmund Pendleton* to prepare and bring in the same.

On a Motion made,

Ordered, That Leave be given to bring in a Bill To amend the Act for the better Government of Servants and Slaves; and it is referred to Mr *Cary*, and Mr *Charles Carter* of *King George*, to prepare and bring in the same.

On a Motion made,

Ordered, That Leave be given to bring in a Bill Directing the Trial of Slaves committing capital Crimes, and for the more effectual punishing Conspiracies and Insurrections of them, and for the better Government of Negroes, Mulattoes, and Indians, bond and free, and it is referred to Mr *Attorney* to prepare and bring in the same.

An Account of James Rentfro, for Provisions and other Necessaries furnished the Militia ordered out into actual Service by Command of his Honour the Governour, and praying to be allowed for the same by the Publick, was presented to the House and read.

Ordered, That the said Account be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A Petition of Joseph Rentfro, praying to be allowed for a Horse impressed by Capt. *John Blagg* to carry on Expreß from *Blackwater* Fort to *Fredericksburg*, for his Majesty's Service, which was never returned him, and for which he hath not received any Satisfaction, was presented to the House and read.

Ordered

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same with their Opinion thereon, to the House.

Mr *Archibald Cary*, from the Committee of Claims, reported that the said Committee had had under their Consideration several Claims and Petitions to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Allegations of the Petition of *Charles Carter* are true, and that he ought to be allowed the Sum of £45 for the Wood, and the Rent of the Houses, for the Use of the *Virginia* Regiment, in his Petition mentioned. 112

Resolved, That *James Hughes* ought to be allowed the Sum of £10. 9. 8 Halfpenny to reimburse him for the Judgment and Costs obtained against him for impressing the Horses in his Petition mentioned.

Resolved, That *John Crawford* ought to be allowed the Sum of £8 for the Damage done on his Plantation by the Troops in the Service of the Colony.

On considering a Report of the Commissioners appointed by Act of Assembly to examine, state, and settle the Accounts of the Pay, Provisions, Arms, and Necessaries for the Militia of the Counties of *Hampshire, Frederick, Culpeper, Prince William, Loudoun, and Fauquier*.

Resolved, That the respective Claims of *William Ruffel, Richard Yancey, Moses Green, and William Hughes*, in the said Commissioners Report mentioned, be rejected.

Resolved, That the Administratrix of *William Staunton*, deceased, ought to be allowed the Sum of £10 for the Damage done the Horse in the said Commissioners Report mentioned.

Mr *Cary* also reported that the said Committee had had under their further Consideration the Petitions of *John Ashworth* and *John M'Nelly* to them re-committed, and had come to two Resolutions thereon, which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to, as follow: 113

Resolved, That the said *John Ashworth* ought to be allowed the Sum of £32. 5. 6 for Waggonage and finding his Horses, agreeable to the Account in his Petition mentioned.

Resolved, That the said *John M'Nelly* ought to be allowed the Sum of £15. 9. 9 for repairing the Arms of the *Virginia* Regiment.

A Claim of *John M'Clanahan*, for several Tools which were taken from him for the Use of Fort *Maddison*, by the Commanding Officer of the said Fort, and never returned him, appraised to £3. 17. 6, which Sum he hath never received, or any Part thereof, and praying to be allowed the same by the Publick, was presented to the House.

Ordered, That the said Claim be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

On a Motion made,

Ordered, That Leave be given to bring in a Bill To prevent the Practice of selling Persons for Slaves that are not so; and it is referred to Mr *Grymes*, and Mr *Richard Henry Lee*, to prepare and bring in the same. 114

And then the House adjourned until To-morrow Morning 11 o'Clock.

Saturday, the 17th of November. 5 Geo. III. 1764.

A Bill For further continuing the Act for reducing the several Acts for making provisions against Invasions and Insurrections into one Act.

* Also a Bill For further continuing an Act, entitled, *An Act for reducing the several Acts made for laying a Duty on Liquors into one Act*, were read the second Time.

Ordered, That the said Bills be engrossed, and read a third Time.

A

A *Bill* To prevent Persons driving diftempered Cattle from *North Carolina*, and other Places, into this Colony, was read a second Time, and committed to a Committee of the whole House on *Tuesday* next.

Also a *Bill* For vesting the absolute Property of certain Slaves therein named in *George Heal*, Gentleman, and for settling a certain Tract of Land therein mentioned on the said *George Heal* in Lieu of the said Slaves, was read a second Time, and committed to Mr *Landon Carter*, Mr *Benjamin Harrison*, Mr *Cary*, and the Members of *Lancaster*, and *Fauquier*.

115 On a Motion made,

Ordered, That it be an Instruction to the Committee of Claims to levy on the Inhabitants of *Albemarle* County, for the Use of *Amherst* and *Buckingham*, their just Proportion of 6027 lbs. of Tobacco, which the said County of *Albemarle* had Credit for in the publick Levy in 1761.

And then the House adjourned until Monday Morning 11 o'Clock.

Monday, the 19th of November, 5 Geo. III. 1764.

A N engrossed *Bill*, entitled, *An Act for further continuing the Act for reducing the several Acts for making Provisions against Invasions and Insurrections into one Act*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Attorney* do carry up the said Bill to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for further continuing An Act, entitled, An Act for reducing the several Acts made for laying a Duty on Liquors into one Act*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

116 Ordered, That Mr *Benjamin Harrison* do carry up the said Bill to the Council for their Concurrence.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration a Petition of fundry Inhabitants of the County of *Amelia* to them referred, and had come to two Resolutions thereon, which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That that Part of the said Petition, praying that the Inspectors at the publick Warehouses may be obliged to keep a sufficient Number of Hands to open and secure all the Tobacco brought to the Warehouses, is reasonable.

Resolved, That the Residue of the said Petition, praying that the Inspectors may be sworn to ascertain in their Crop Books and Notes the Quality of the Tobacco they pass, be rejected.

Ordered, That it be an Instruction to the said Committee, to whom it is referred to bring in a Bill, For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs, that they receive a Clause, or Clauses, pursuant to the first Resolution.

117 A Petition of *John M'Neill*, praying to be allowed the Pay of a Captain from the 25th Day of *August* 1755, until the 17th Day of *October* 1757, amounting to £195. 10, was presented to the House and read; and the Question being put that the said Petition be referred to the Consideration of a Committee,

It passed in the Negative.

Resolved, That the said Petition be rejected.

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¹ Heni ng, VIII, p. 37.

² *Ibid.*, VIII, p. 38.

A *Petition* of *William Fuqua*, praying to be allowed for 38 Days Pay as a Soldier under the Command of Major *David Lewis* on the Frontiers, in the year 1756, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

And then the House adjourned until To-morrow Morning 11 o'Clock.

Tuesday, the 20th of November. 5 Geo. III. 1764.

A *Petition* of *John Agnew*, Rector of the Parish of *Suffolk*, in the County of *Nansemond*, setting forth that the said Parish is situated on both Sides of *Nansemond* River, over which there is a Ferry, settled by Law at 1s. 3d. a Man and Horse, which Expence, he is obliged to sustain whenever the Parish requires his Attendance on the other Side, which is grievous and burthensome; and praying that the said Ferry may be made free on *Sundays* for all the Parishoners of the said Parish, and for the Minister at all Times when attending the Duty of the said Parish, and that an Act may pass for that purpose, was presented to the House and read. 118

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Petition* of divers Inhabitants of the County of *Prince George*, and the adjacent Counties, praying that the Warehouses for the Inspection of Tobacco at *Hood's* and *Jordan's* (which being found inconveniently situated) be discontinued, and a Warehouse established in Lieu thereof on the Land of *George Noble*, on the lower Side of *Powell's* Creek, in the County of *Prince George*, and that an Act may pass for that Purpose.

Also two *Petitions* of sundry Merchants in Opposition thereto, were severally presented to the House and read.

Ordered, That the said *Petitions* do lie on the Table.

A *Petition* of *Nathaniel Harrison*, Jun. setting forth that his Grandfather by his last Will and Testament, bearing the Date of the 15th of *December* 1726, did devise to his Father *Benjamin Harrison* a Tract of Land called *Wakefield*, lying in the County of *Surry*, and another Tract of Land called *Joseph's Swamp*, then in the County of *Surry*, but now in the County of *Suffex*, in Taille Male, and several Tracts of Land in Fee Simple, together with a great Number of Slaves, and personal Estate, all of which have been sold to pay his said Father's Debts; and the said entailed Lands, for Want of Slaves, yield him no Profit, but are on the contrary a Charge and Encumbrance to him; and praying that an Act may pass to dock the Entail of the said Tract of Land called *Joseph's Swamp*, and the Money arising therefrom may be laid out in the Purchase of Slaves, to be settled on the *Wakefield* Land, to descend to the same Uses; and that he had given Notice thereof according to his Majesty's Instructions, was presented to the House and read. 119

Ordered, That a Bill be brought in agreeable to the Prayer of the said *Petition*, and it is referred to Mr *Attorney* to prepare and bring in the same.

Ordered, That Mr *Richard Bland* be added to the Committee appointed to address his Majesty, and the Lords and Commons of *Great Britain*, on the State of the Colony.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill For preventing Persons driving distempered Cattle from *North Carolina*, and other Places, into this Colony. 120

Resolved, That this House will resolve itself into a Committee on the said Bill on Thursday next.

A *Petition* of *John Cabbell*, praying that a Ferry may be established over the *Fluvannah* River, from his Land in the County of *Amherst* to the opposite Shore in the County of *Buckingham*, was presented to the House and read.

Ordered

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Ordered, That Mr *Richard Bland*, Junior, be added to the Committee of Propositions, and Mr *Isaac Row Walton* to the Committee of Claims.

Mr *Attorney*, from the Committee of Propositions, presented to the House, according to Order, a Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco and preventing Frauds in his Majesty's Customs; and the said Bill was read the first Time, and ordered to be read a second Time.

Mr *Cary* presented to the House according to Order, a Bill To amend the Act for the better Government of Servants and Slaves, and the said Bill was read the first Time, and ordered to be read a second Time. And

On a *Motion* made,

The *Bill* For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs, was read a second Time, and committed to a Committee of the whole House.

Resolved, That this House will resolve itself into a Committee on the said Bill To-morrow.

And then the House adjourned until To-morrow Morning 11 o'Clock.

Wednesday. the 21st of November. 5 Geo. III. 1764.

ON a *Motion* made,

Ordered, That Leave be given to bring in a Bill To oblige the Parish of *Cumberland* to refund to the Parish of *Antrim* their Proportion of the Money levied for building 4 Churches in the said Parish of *Cumberland* before the Division thereof, and it is referred to Mr *Terry* and Mr *Reed* to prepare and bring in the same.

A *Petition* of *Jethro Summer*, praying to be allowed for a Horse impressed into the Service of this Colony by Order of Col. *Stephen* in the Year 1757, and never returned to him, nor any Satisfaction made him, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

The *Order* of the Day being read for the House to resolve itself into a Committee on the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Resolved, That the House will resolve itself into the said Committee immediately.

Ordered, That the several Petitions from fundry Counties relative thereto, and ordered to lie on the Table, be referred to the Consideration of the said Committee.

And then the House resolved itself into a Committee on the said Bill; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Bill under their Consideration, but not having Time to go through the same, they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into the said Committee on *Tuesday* next.

On a *Motion* made,

Ordered, That Mr *John Clack* do pay unto Mr *Isaac Row Walton* his Expenses occasioned by his Petition, praying that the said *Walton's* Election might be set aside; and it is referred to the Committee of Claims to settle the same.

A *Petition* of *Matthew Dowrant*, praying to be allowed some Compensation for the Wounds he received in the Service of this Colony; which have reduced himself, his Wife, and his 3 Children, to Want and Misery, was presented to the House and read.

Ordered

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration the Petitions of the Rev. *John Agnew* and Mr *John Cabbell* to them referred, and had come to two Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Petition of the Reverend *John Agnew* Rector of *Suffolk Parish*, in the County of *Nansemond*, praying that he may be allowed to pass over the Ferry at *Sleepy Hole*, when attending the Duties of his Function, Ferry free, and that all the other Parishioners may be also Ferry free on *Sunday's*, is reasonable. 124

Resolved, That the Petition of *John Cabbell*, praying that a Ferry may be established across the *Fluvannah* at or near *Bowman's Warehouse*, in the County of *Amherst*, to his Land opposite thereto, in the County of *Buckingham*, is reasonable.

Ordered, That the said Committee do prepare and bring in a Bill, or Bills, pursuant to the said Resolutions.

A *Petition* of divers Inhabitants of the County of *Lunenburg*, setting forth that the Passage of Fish up the River of *Little Roanoke* is greatly obstructed by Means of Dams, Stops, and Hedges, being erected therein, near the Mouth thereof, to the Detriment of the said Petitioners, and other Inhabitants of the said County bordering on the said River; and praying that an Act may pass to restrain such Practices for the future, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Attorney*, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill For establishing the Landing Place from *Frasier's* Ferry at the Causeway opposite thereto; and the said Bill was read the first Time, and ordered to be read a second Time. 125

A *Petition* of *James Bryant*, praying to be allowed for the Damages done to his Plantation by the Troops of this Colony in the Year 1760, who encamped there.

Also a *Petition* of *John Donnelly*, praying to be allowed by the Publick for a Horse taken from him by some of the Cherokee Indians that came to the Assistance of this Colony in the Year 1758, appraised to £10, and which was never returned to him, nor any Satisfaction made him, were severally presented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Attorney* presented to the House, according to Order, a Bill To dock the Entail of [1800]¹ Acres of Land, in the Parish of *Albemarle* and County of *Suffex*, whereof *Nathaniel Harrison* the Younger is seized in Fee Taille, and for vesting the same in Trustees in Fee Simple for the Uses therein mentioned; and the said Bill was read the first Time, and ordered to be read a second Time. 126

A *Petition* of fundry Inhabitants of the County of *King William*, setting forth that there are five Inspections for Tobacco in the said County, which by Experience are found expensive and unnecessary; and praying that two or more of the said Inspections may be discontinued, or such other Measures taken as this Honourable House shall adjudge reasonable, was presented to the House and read.

Ordered, That the said Petition do lie on the Table.

Mr *Cary*, from the Committee of Claims, reported that the said Committee had had under their Consideration the several Matters to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved

¹ Henning, VIII, p. 66.

Resolved, That *Joseph Rentfro* ought to be allowed the Sum of £7 for the Horfe in his Petition mentioned.

Resolved, That *Michael Teibolt* ought to be allowed the Sum of £10 for the Horfe in his Petition mentioned.

Resolved, That *John Armstrong* and *Lanty Armstrong* ought to be allowed the Sum of £30 each for their Pay in the Service of the Colony.

127 *Resolved*, That *William Fuqua* ought to be allowed the Sum of £1. 18 for his Pay in the Service of the Colony.

On confidering the *Petition* of *John Craig*, it appears to your Committee that there is now due to the Estate of Lieutenant *John Hamilton*, deceased, in his Petition mentioned, the Sum of £23. 12 for his Pay in the Service of the Colony.

Resolved, That the said Sum of £23. 12 ought to be paid to the Administrator of the said *John Hamilton*, deceased, by the Publick.

Resolved, That the Petition of the said, *John Craig* be rejected, it not appearing to this Committee that he ever administered on the Estate of the said *John Hamilton*, deceased.

And then the House adjourned until To-morrow Morning 11 o'Clock.

Thursday, the 22nd of November, 5 Geo. III. 1764.

A *Petition* of *John Dixon*, Clerk, praying that a Part of his Land may be added to, and laid off together with the Land intended to be laid off by the Trustees of the Town of *Falmouth* into Lots, for the Benefit of the Publick, was presented to the House and read.

130 *Ordered*, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr Attorney, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill For amending and declaring the Law concerning the Escape of Debtors out of the Prison Rules, and for other Purposes therein mentioned; and the said Bill was read the first Time, and ordered to be read a second Time.

Mr Attorney also reported that the Committee had had under their Consideration two Petitions to them referred, and had come to two Resolutions thereon; which he read in his Place, and then delivered in at the Table, where the same were again twice read, and agreed to by the House, as follow:

Resolved, That the Petition of *Archibald Ritchie*, of the Town of *Tappahannock*, and fundry other Inhabitants of the said Town, and the Counties adjacent thereto, praying that the Ferry from the said Town to *Naylor's Hole*, and *Carter's Landing*, may discontinued, and that a new Ferry may be established from the Land of the said *Archibald Ritchie*, in the said Town, to the Land of *Moore Fauntleroy*, in the County of *Richmond*, is reasonable.

131 *Resolved*, That the Petition of the Trustees of the Town of *Falmouth*, in the County of *King George*, praying that they may be permitted to lay off 50 Feet in Width of *King's Street* in the said Town into Lots, and to sell them, and lay out the Money as they shall think proper for the Improvement of the said Town; also that the Purchasers of Lots therein may not be subject to a Forfeiture of their Lots for not building thereon in a limited Time; and that the Inhabitants thereof may be restrained from building wooden Chimnies to their Houses, or suffering their Hogs to run at large in the said Town, is reasonable.

Ordered, That the Committee of Propositions do prepare and bring in a Bill, or Bills, pursuant to the said Resolutions.

Two *Petitions* of divers Inhabitants of the lower End of *Augusta County*, praying that a Road through *Swift Run*, over the Mountains, may be established, and that the Justices

Justices of the County be enabled to levy a Sum of Money on the Inhabitants thereof sufficient for that Purpose, were presented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

The *Order* of the Day being read for the House to resolve itself into a Committee on the Bill To prevent Persons driving distempered Cattle from *North Carolina*, and other Places, into this Colony.

The House immediately resolved itself into a Committee on the said Bill; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Bill under their Consideration, and made several Amendments thereto, but not having Time to go through the same, they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into a Committee on the said Bill To-morrow.

A Bill To dock the Entail of [1800]¹ Acres of Land in the Parish of *Albemarle* and County of *Suffex*, whereof *Nathaniel Harrison* the Younger is seized in Fee Taille, and for vesting the same in Trustees in Fee Simple for the Uses therein mentioned, was read a second Time, and committed to Mr *Attorney*, and the Members of *Surry* and *Suffex*.

Mr *Cary*, from the Committee of Claims, reported that the Committee had had under their Consideration fundry Petitions to them referred, and had come to several Resolutions thereon; which he read in his Place; and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That Lieutenant *Jethro Summer* ought to be allowed the Sum of £9 for the Horse in his Petition mentioned.

Resolved, That *John Donnelly* ought to be allowed the Sum of £10 for the Horse in his Petition mentioned.

Resolved, That *James Bryant* ought to be allowed the Sum of £9. 10 for the Damages done on his Plantation by the Troops of this Colony.

Resolved, That the Petition of *Matthew Dourant* be rejected.

And then the House adjourned until To-morrow Morning 11 o'Clock.

Friday, the 23rd of November. 5 Geo. III. 1764.

A Representation of divers Freeholders and Inhabitants of the County of *Elizabeth City*, in Opposition to a Petition of *Henry Allen*, to erect a Bridge and Mill over the Branch of the *Back River* called *Back River Creek*, and for other Purposes therein mentioned; and praying the said Petition may be rejected, as injurious to them, was presented to the House and read.

Ordered, That the said Representation do lie on the Table.

On a Motion made,

Ordered, That Leave be given to bring in a Bill For the Relief of Parishes from such Charges as may arise from Bastard Children born within the same, and it is referred to Mr *Bland* to prepare and bring in the same.

A Petition of *John Dixon*, Clerk, praying that the Ferry from his Land, adjacent to *Falmouth Wharf*, over the River, to the Land of *Francis Thornton*, in the County of *Spotsylvania*, may be established, and that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A Petition of *William Cary*, setting forth that he is seized as Tenant in Fee Taille, under the Will of his Grandfather *William Cary*, deceased, of 360 Acres of Land in the County of *Warwick*: That he has lived on the said Land for many Years past without Slaves

¹ Hening, VIII, p. 66.

Slaves to cultivate it, whereby he is greatly injured; and that it would be greatly to the Advantage of himself, and the Heir in Taille, if he was permitted to sell the said Land, and lay out Part of the Money arising from the Sale thereof in the Purchase of other
 135 Lands and Slaves, to be settled to the same Uses: That he hath lately contracted with one *Allen Jones* to sell the said Lands to him for a considerable Sum, if he could obtain an Act to enable him so to do; and praying that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That a Bill be brought in agreeable to the Prayer of the said Petition, and it is referred to Mr *Smith* to prepare and bring in the same.

The *Order* of the Day being read for the House to resolve itself into a Committee to take into their further Consideration the Bill To prevent Persons driving distempered Cattle from *North Carolina*, and other Places, into this Colony.

Resolved, That this House will resolve itself into the said Committee on *Monday* next. And then the House adjourned until Monday Morning 11 o'Clock.

Monday, the 26th of November, 5 Geo. III. 1764.

TWO new *Members* returned on new Writs, having taken the Oaths appointed to be taken by Act of Parliament instead of the Oaths of Allegiance and Supremacy and subscribed the Oath of Abjuration, and also repeated and subscribed the Test, took their Seats in the House.

136 *Ordered*, That Mr *Thomas Johnson*, Mr *William Johnson*, and Mr *Proffer*, be added to the Committee of Claims, and Mr *Champe*, to the Committee of Propositions and Grievances.

Mr *Bland*, from the Committee of Privileges and Elections, reported that the said Committee had had under their further Consideration the Petition of Mr *Nathaniel West Dandridge* to them referred, complaining of an undue Election and Return of Mr *James Littlepage* to serve as a Burgess in this present General Assembly for the County of *Hanover*, and had examined several Witnesses, and fully heard as well the Petitioner as the fitting Member by their Counsel, and had agreed upon a Report, and come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to, as follows:

137 Your Committee beg Leave to inform the House that it appears to them, from the Testimony of one *Harry Tompkins*, a Freeholder of the said County that soon after Mr *Dandridge* had accepted of a Coroner's Commission, the sitting Member having declared himself a Candidate for the said County, wrote a Letter directed to Messrs. *Burnley*, *Starke*, and *Cock*, Freeholders of the said County; that the said Letter was sent to a Church in the said County, where those Gentlemen were, together with the Deponent; that the Deponent was desired to read the said Letter, the Purport of which was (to the best of his Remembrance) "That he, the sitting Member, was that Day gone to the lower Meeting House of the Dissenters, to know their Sentiments whether they would submit to the damned Tobacco Law, and desired to know whether they also would submit to it; that if they would send him Burgess he would be hanged, or burnt (or Words to that Effect) if he did not get that Part of it, directing a Review of Tobacco, repealed, as being an Infringement on the Liberty of the Subjects, the Inspectors being so intimidated by it that they refused the greatest Part of their Tobacco; and that he would endeavour to have the Inspectors chosen by the People." That the Deponent was of Opinion the sitting Member had at first very little Interest in that Neighbourhood, but that he afterwards heard many People say that his Promises to be of so much Service to them ought to have some Weight in their sending him a Burgess; and he believes it had some Influence on the Freeholders, though he himself made Interest, and voted for Mr *Dandridge*.

Mr

Mr *John Winston* also deposed that he saw the Letter above mentioned, which was handed about amongst the Freeholders; though he read but two or three Lines of it, and he believed it had some Influence with the Freeholders. 138

Mr *Harding Burnley* deposed that he was one of the Persons to whom the said Letter was directed, the Purport of which was as is before recited by Mr *Tompkins*, except that he does not remember the Expressions "that the fitting Member would be hanged, or burnt, if he did not get that Part of the Tobacco Law directing a Review of Tobacco repealed;" that he believed the People in general in that Quarter were Friends to the fitting Member; that Mr *Dandridge* told him, the Deponent, that Mr *Littlepage* had been with him, and offered to decline being a Candidate for the said County if he would stand, but that he had advised Mr *Littlepage* to set up as a Candidate.

It also appears to your Committee, from the Evidence of one *Thomas Underwood*, that several People declared they would vote for the fitting Member, in Consequence of his Promises about the Tobacco Law; and from the Testimony of Mr *John Boswell*, it also appears that on the Day of the Election, just before the Poll was opened, the fitting Member publicly and openly declared, in the Court House, before a great Number of People, that he did not look upon any of the Promises he had made to the People as binding on him, but that they were all void.

The *Petitioner* then, by his Counsel, produced, and laid before your Committee, two several Letters from the fitting Member, which he acknowledged to be of his Writing, and are both dated the 12th of November 1763, one of which is directed to Mr *William Hughes*, Senior, a Freeholder, and is in these Words: 139

Dear Sir,

As Mr Dandridge has taken a Coroner's Commission, I am to inform you I shall offer myself to serve this County, and shall be obliged to you for your Vote and Interest. My Plan, Sir, is to serve the People that's now so injured by the damned Inspecting Law, that the Merchants shall have a View, or a Review, on the Tobacco, after it has past, that has so great Influence on the Men called Inspectors that they refuse all Tobacco. Mr M'Dowell declared publicly, on Friday last, he would review all the Tobacco this Year. You may depend I have Interest enough to have that taken off, and I want to have the Inspectors chose every Year by the Freeholders of the County. I will be at your Church To-morrow Se'nnight, and to your House. I am,

Dear Sir,

Your affectionate Servant,

JAMES LITTLEPAGE.

The other is directed to Mr *William Hawes*, a Freeholder, and is in these Words: 140

Dear Sir,

As you know Col. Dandridge has declined serving this County, I shall be obliged to you for your Interest, as I purpose only to serve the People, now so injured by the Inspecting Law, for the Merchants to have a Review on Tobacco. I want the Inspectors chosen by the Planters yearly, Mr M'Dowell has declared, in publick, he will review all the Tobacco he purchases this Year. I shall be at your Church on Sunday Se'nnight.

I am, dear Sir,

Your affectionate Servant,

JAMES LITTLEPAGE.

Your Committee further beg Leave to inform the House that by the Testimony of Mr *Samuel Overton*, named in Mr *Dandridge's* Petition, it appears to them that on the 14th Day of *January* last, as the fitting Member and himself were returning from a Treat given by the fitting Member to the Freeholders of the said County two Days before, the Conversation turning on the Expenses they were putting themselves to on that Occasion, the fitting Member proposed to him that they should go both together to Mr *Dandridge* and offer to decline standing a Poll at the Election if he would pay them the

the Expenses they had been at: That they then came to no Determination on that Propofal; but in the Evening of the fame Day the faid *Overton* voluntarily, and of his own Accord, as he declared, propofed to the fitting Member to pay him his Expenses if he would by no Means confent to; whereupon the faid *Overton* offered to drop his Pretentions, and not ftand a Poll, if the fitting Member would pay him the Expenses he had incurred, as well in that as a former Election, which he fuppofed amounted to about £75; at the fame Time affuring him that he himfelf fhould vote againft him, yet that he would not otherwife concern himfelf in the Election, one Way or the other: That the fitting Member, after fome Deliberation, clofed with this Propofal, but with a Provifo at the fame Time, agreed to by them both, that if Mr *Henry* fhould declare himfelf a Candidate for the faid County, and be elected a Burgefs, he fhould pay the faid *Overton* £50 only. Mr *Overton* then acknowledged that the fitting Member had complied with his Engagement, in paying him the Sum agreed on, but that he had voted for the Petitioner at the faid Election.

Your *Committee* are now to inform the Houfe that it appears to them, as well from the Teftimony of the above named *Samuel Overton*, as one of *Jacob Hundley*, that the faid *Overton* had, before his faid Agreement with the fitting Member, ordered the faid *Hundley* to prepare a Treat for fome of the Freeholders of the faid County at his Houfe, on *Friday* the 13th of *January*; and, as the faid *Overton* depofed, before he knew that the Writ was iffued for electing a Burgefs, though he expected it was: That the faid *Hundley* having heard that Mr *Overton* had declined ftanding a Candidate, fent a Meffenger to let him know that feveral People had affembled at his Houfe, and defired his Directions whether they were to be treated at his Expence: That Mr *Overton* thereupon ordered him to let them have four Gallons of Rum made into Punch, and he would pay for it; which they accordingly had, and was paid for by the faid *Overton*: That the fitting Member being prefent at the faid Treat, was told by *Hundley* that the Liquor was all drank, whereupon he ordered two Gallons more, and faid he fuppofed Mr *Overton* would pay *Hundley* for that, as well as the reft; and the faid *Hundley* depofed that he expected Payment of thofe two Gallons of Mr *Overton* only, and not of the fitting Member; and that he does not know whether any of the Company heard the fitting Member order thofe two Gallons of Liquor, but that they all knew the Treat to be Mr *Overton's*; and believes they were chiefly in the Intereft of the fitting Member.

It further appears to your *Committee* that Mr *William Macon* who voted for the Petitioner, went with Mr *Overton* (before he had agreed upon the Terms above mentioned with the fitting Member) to endeavour to prevail upon him to confent to their treating the Freeholders of the faid County, until the Day of Election; but that he abfolutely refufed fo to do, and declared he would not treat after the Writ was iffued. It appears that the faid Writ bore Teft the 13th Day of *January* laft.

It likewife appears to your *Committee*, from the Evidence of Mr *John Bofwell*, that after the Petitioner was appointed a Coroner the fitting Member afked the Deponent what Chance he thought he might have amongft the People of his Neighbourhood if he fhould declare himfelf a Candidate: That the faid *Bofwell* foon after wrote him that he thought he might have a good Chance, if he would go up amongft them: That the fitting Member accordingly went up, and the faid *Bofwell* rode about with him among the People; and fome of them faying it was too cold Weather to go fo long a Way (it being above 25 Miles) to the Election, the fitting Member told them they fhould be welcome if they would call at his Houfe in their Way down: That accordingly about 10 of them, with the faid *Bofwell*, did go to his Houfe the Evening before the Election, which is about 5 miles above the Court Houfe, where they were hofpitably entertained, for which the faid *Bofwell* declared the fitting Member was remarkable, though their Entertainment was not more than was ufual with him: That in the Evening two men came in, who faid that they came from home with an Intention to vote for the fitting Member, but having juft heard that Mr *Dandridge* had declared himfelf a Candidate, they muft vote for him, as he had been very kind to them; to which the fitting Member answered, it fhould make no Difference with him; they might vote as they pleafed; but

but it does not appear for whom they did vote: That several of the above Company were pretty merry with Liquor when they came to the fitting Member's House, where they chiefly drank Cider: That some of them drank Drums in the Morning, and went merry to the Court House; but that the fitting Member had gone off early in the Morning with the said *Boswell*.

It further appears as well from the Evidence of the said *Boswell*, as of one *Paul Tilman*, the Person employed by the fitting Member to prepare his Entertainment at the Election, that both before, and on the Day of Election, the fitting Member expressly ordered the said *Tilman* not to give the Freeholders any Liquor until after the closing the Poll; and that none of them had any Liquor, except some few who insisted on it, and paid for it themselves. 145

It further appears to your Committee that the Day after *Christmas* Day the fitting Member told one *Richard Richardson* there would be an Election soon and asked him if he would not go to it; who answered that he would, and should make bold to call at his House in his Way, but should not vote for him, though he declared to your Committee he did intend at that Time to vote for him: That the fitting Member told him it should make no Difference whether he was for him or against him; that he should be welcome at his House, and desired him to bring some of his Neighbours with him; That he accordingly called there with 4 of his Neighbours, where they were kindly entertained; and that he knew of no other Invitations from the fitting Member than the above.

It likewise appears to your Committee, from the Testimony of Mr *Thomas Underwood*, who lives in the upper Part of the said County of *Hanover*, about 25 Miles above the fitting Member, that some Time before the said Election, but whether after the Writ was issued he knows not, he received an Invitation from the fitting Member to come to his House the Evening before the Election, and he desired him to give the like Invitation to, and make it publick amongst, the People of his Neighbourhood, that they should be all welcome at his House, whether Freeholders or not: That on the Day of the Election one *Grubbs*, a Freeholder, who lives about six Miles above the fitting Member, came to the Court House, and declared he was ready to vote for any one who would give him a Dram: That the said *Underwood*, as a Friend to Mr *Dandridge*, endeavoured to get a Dram for him, but could not: That *Richard Richardson*, who was a Friend to the fitting Member, but without his Knowledge, did, at his own Expence, procure a Dram for the said *Grubbs*, who voted for the fitting Member. 146

Your Committee further inform the House that one *Robert Hart* deposed he was at the above mentioned Treat made by Mr *Overton* at *Hundley's*, and that when the Liquor was drank out more was called for, and brought, but on whose Account he knows not; and that one *John Wynn* also deposed he was at a Treat made by the fitting Member before the Writ for electing a Burgess was out, and also at the said *Overton's* Treat at *Hundley's*, and that he voted for the fitting Member.

On Consideration of the whole Matter,

Resolved, That the said Mr *James Littlepage* is duly elected to serve as a Burgess in this present General Assembly for the said County of *Hanover*. 147

Resolved, That the said Petition is frivolous and vexatious.

Ordered, That the Petitioner do pay unto the fitting Member his Costs, occasioned by his said Petition; and it is referred to the Committee of Claims to settle and adjust the same.

On a Motion made,

Ordered, That *Bertrand Ewell* be sent for, in Custody of the Sergeant at Arms, to appear at the Bar of this House to answer his Contempt in not appearing, pursuant to an Order of this House of the ———— Day of ———— last, to make his Defence agreeable to the Prayer of his Petition.

The House, according to Order, resolved itself into a Committee on the Bill To prevent Persons driving distempered Cattle from *North Carolina*, and other Places, into this

¹ See page 242.

this Colony; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Bill under their further Consideration, but not having Time to go through the same they had directed him to move for Leave to sit again.

148 *Resolved*, That this House will again resolve itself into the said Committee on the said Bill To-morrow.

And then the House adjourned until To-morrow Morning 11 o'Clock.

Tuesday, the 27th of November. 5 Geo. III. 1764.

A *Petition* of divers Inhabitants of the Counties of *Effex* and *Caroline*, setting forth that the Wharehouses for the Reception of Tobacco at *Occupatia* Creek are in a ruinous Condition, and the Rents thereof no way sufficient to answer the necessary Repairs; and praying that they may be discontinued, and new Warehouses erected at *Port Micou's*, and that the same may be put under the Inspection with *Layton's*, was presented to the House and read.

Ordered, That the said *Petition* be referred to a Committee of the whole House, to whom the Bill For amending an Act, entitled, *An Act for amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs*, is referred.

Mr *Terry*, from the Persons appointed, presented to the House, according to Order, a Bill To oblige the Parish of *Cumberland* to refund to the Parish of *Antrim* their Proportion of the Money levied for building four Churches in the said Parish before the Division thereof; and the said Bill was read the first Time, and ordered to be read a second Time.

A *Petition* of *James Galt*, Keeper of the Publick Gaol, praying a Continuance of his former Salary.

Resolved, That the Sum of £15 be paid to the said *James Galt*, over and above his usual Salary of £25 per Annum.

Resolved, That 10 lbs. of Tobacco per Day be allowed to the said *James Galt* for every Criminal committed to the said Gaol during such Criminal's Imprisonment, from this Time to the End of the next Session of Assembly.

A *Petition* of *Bryant Lester*, praying to be paid by the Publick for a Gun and Bayonet impressed into his Majesty's Service in the Year 1757, and valued at £4, and never returned him, nor hath he received any Satisfaction for the same, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

150 A *Petition* of *John Bell*, praying to be allowed by the Publick for several Years Attendance to shackle and handcuff the Criminals committed to the Publick Gaol, taking off their Irons when carried up to their Trials, or otherwise discharged, for which he hath never received any Satisfaction, was presented to the House and read; and the Question being put that the said *Petition* be referred to a Committee,

It passed in the Negative.

Resolved, That the said *Petition* be rejected.

A Message from the Council was delivered by Mr *Walthoe*.

That they have agreed to the Bill, entitled, An Act for dividing the County of Lunenburg into three distinct Counties.

Also to the Bill, entitled, An Act for dividing the Parish of Truro, in the County of Fairfax.

A

¹ Hening, VIII, p. 387,

² *Ibid.*, VIII, p. 41.

³ *Ibid.*, VIII, p. 43.

A *Petition* of *Richard Doggett*, setting forth that in the Year 1762 he enlisted 13 Recruits for the *Virginia* Regiment, to whom he paid the Bounty Money, and subsisted them until he delivered them to Capt. *John Blagg* of the said Regiment.

That 3 of the said Recruits deserted from Capt. *Blagg* before they were received by the Commanding Officer, and that he hath never had returned to him the Bounty Money, Subsistence, or Recruiting, amounting to £37. 10; and praying to be allowed the same by the Publick, was presented to the House and received.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House. 151

Mr *Henry Lee*, from the Persons appointed, presented to the House, according to Order, a Bill To dock the Entail of certain Lands whereof *John Gregg* is seized, and for settling other Lands and Slaves to be purchased in Lieu thereof to the same Uses; and the said Bill was read the first Time, and ordered to be read a second Time.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For paying the Burgeesses Wages in Money for this present Session of Assembly, and it is referred to Mr *Henry Lee* to prepare and bring in the same; and that he receive a Clause, or Clauses, for the Payment of the Burgeesses Wages for the last Session of Assembly, except such Members as have already been paid by their respective Counties.

Mr *Attorney*, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill For exempting the Inhabitants of *Elizabeth City* County on the East Side of *Hampton* River, and also the Ministers and other Parishioners of *Suffolk* Parish, from the Payment of Ferriage, and for other Purposes therein mentioned; and the said Bill was read the first Time, and ordered to be read a second Time.

A *Petition* of *William Irvin*, praying to be allowed by the Publick for a Mare which was killed by carrying too great a Load of Corn, or Meal, for the Use of the Militia of *Bedford* County, under the Command of Capt. *John Quarles*, and for which he hath received no Satisfaction, was presented to the House and read. 152

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

The *Order* of the Day being read for the House to resolve itself into a Committee, to take into their further Consideration the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Resolved, That this House will again resolve itself into the said Committee To-morrow.

The *Order* of the Day being read for the House to resolve itself into a Committee, to take into their further Consideration the Bill To prevent Persons driving distempered Cattle from *North Carolina*, and other Places, into this Colony.

Resolved, That this House will again resolve itself into the said Committee To-morrow.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the Committee had had under their Consideration divers Propositions and Petitions from several Counties to them referred, and had come to several Resolutions thereupon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow: 153

Resolved, That the Petition of the Ministers, Vestries, and fundry other Inhabitants of the several Parishes of *Elizabeth River*, *Portsmouth*, and *St. Bride's*, in the County of *Norfolk*, praying that certain Slaves devised by one *Matthew Godfrey* for the Benefit of the Poor of the said County, may be divided between the three Parishes, and that a Tract of Land given by the said *Godfrey* to the Poor of the said County may be valued and vested in the Parish of *Elizabeth River*, and a proportionable Part of the Valuation paid to each of the other Parishes, to be laid out in the Purchase of other Lands to be held for the same Purposes, is reasonable.

Resolved

Resolved, That the Petition of fundry Inhabitants of the County of *Lunenburg*, praying that People may be prohibited from building Mill Dams, or raising Hedges or Stops in the little River *Roanoke*, which prevent the Passage of Fish up the same, is reasonable.

Resolved, That the Petition of fundry Inhabitants of the County of *Albemarle*, praying the like Prohibition against raising Obstructions in the North Branch of *James* River, is reasonable.

154

Resolved, That the Petition of *John Dixon*, Clerk, praying that Part of his Land adjoining the Town of *Falmouth*, and contiguous to the Lots proposed to be laid off out of Part of *King's* Street, may be added to and made Part of the said Town, and that he may be allowed such a Proportion of the Money arising from the Sale of the said Lots as shall be thought reasonable, be rejected.

Resolved, That the Petition of the said *John Dixon*, praying that a Ferry may be established from his Land adjacent to *Falmouth* Wharf, to the Land of *Francis Thornton* in *Spotsylvania*, be rejected.

Resolved, That the Petition of fundry Inhabitants of the County of *Augusta*, praying that a Road may be cleared through the Mountains at *Swift Run* Gap, and the Expense thereof levied on the Inhabitants of the said County, is reasonable.

Resolved, That the Petition of fundry Inhabitants of the County of *Buckingham*, praying that Trustees may be appointed to take in Subscriptions for clearing the great Falls of *James* River, is reasonable.

Ordered, That the said Committee do prepare and bring in a Bill, or Bills, pursuant to the 1st, 2^d, 3^d, 6th, and 7th Resolutions.

And then the House adjourned until To-morrow Morning 11 o'Clock.

155

Wednesday, the 28th of November. 5 Geo. III. 1764.

A *Petition* of fundry Inhabitants of the Counties of *Bedford* and *Amherst*, and other frontier Counties, praying that a Ferry may be established from the Land of *Nicholas Davis* over [*Fluvannah*] River to the opposite Shore, and that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A Bill For giving a greater Reward for killing Wolves was read a second Time, and committed to Mr *James Mercer* and Mr *Richard Henry Lee*.

A *Petition* of *Alexander Sayers*, setting forth that in the Years 1760 and 1761, when the *Virginia* Regiment encamped on the *Dunkard Bottom*, they destroyed his Houses, Barns, Fences, and cut down his Timber to build a Fort and Barracks; and praying that Restitution may be made him by the Publick, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same with their Opinion thereon, to the House.

156

A *Petition* of *Hugh Mercer*, setting forth that in the Year 1762 he applied to this House to be allowed for a Chest of Medicines, and fundry other Medicines delivered in Doses for the Use of the Smallpox and Regimental Hospital, amounting to £302. 0 8 Halfpenny: That his said Petition was referred to the Committee of Claims, who were pleased to vote the said Petition in Part unreasonable, by a Deduction of 17 and a Half per Centum, amounting to £52. 10. 6, and ordered only the Balance after that Deduction to be paid him; and praying that a Revival of the Articles of the Accounts laid before the said Committee may be made, and that he may be allowed the said £52. 10. 6 by the Publick, which is justly due to him, was presented to the House and read; and the Question being put that the said Petition be referred to a Committee,

It passed in the Negative.

Resolved, That the said Petition be rejected.

The *Order* of the Day being read for the House to resolve itself into a Committee to take into their further Consideration the Bill For amending an Act, entitled, *An Act for amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs.*

Resolved, That this House will again resolve itself into the said Committee on *Friday* next. 157

The House, according to Order, resolved itself into a Committee to take into their further Consideration the Bill To prevent Persons driving distempered Cattle from *North Carolina*, and other Places, into this Colony; and after some Time spent therein, Mr *Speaker*, resumed the Chair, and Mr *Attorney* reported that the Committee had gone through the said Bill, and had made several Amendments thereto; which he read in his Place, and then delivered in at the Table, where the said Amendments were again twice read, and agreed to by the House, with some Amendments.

Ordered, That the said Bill, with the Amendments, as amended, be engrossed, and read a third Time.

Mr *Cary*, from the Committee of Claims, reported that the Committee had had under their Consideration several Petitions to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again read, and are as follow:

Resolved, That it is the Opinion of this Committee that Capt. *John Smith* ought to be allowed by the Publick the Sum of £75, to reimburse him the Pay advanced to *Thomas Langdon* his Lieutenant, who never was returned on the said *Smith's* Roll, though in actual Service.

Resolved, That it is the Opinion of this Committee that the Petition of Lieutenant *James Walker*, for an additional Allowance for enlisting and subsisting Recruits for the Frontier Battalion, be rejected. 158

Resolved, That it is the Opinion of this Committee that the Petition of *William Irvin*, for a Mare killed in the Service, be rejected, for Want of Proof.

Resolved, That it is the Opinion of this Committee that the Petition of *Richard Dogget*, to be allowed for the Bounty Money and Subsistence of Recruits for the *Virginia* Regiment, be rejected; it appearing to this Committee that he enlisted the said Recruits under an Agreement with Capt. *John Blagg* of the said Regiment, without any Warrant or Orders from the Governor.

Resolved, That it is the Opinion of this Committee that *Bryant Lester* ought to be allowed by the Publick the Sum of £4 for his Gun and Bayonet, impressed for the Use of Capt. *John Cox* of the *Lunenburg* Militia.

Resolved, That it is the Opinion of this Committee that the Sum of £4 ought to be levied on the Estate of the said *John Cox*, deceased, to reimburse the Publick.

The *first*, *second*, *fourth*, and *fifth* Resolutions, being read a second Time, were agreed to by the House.

The *third* Resolution being also read a second Time, was re-committed to the said Committee. And 159

The *last* Resolution being also twice read, was disagreed to by the House.

A Bill For amending and declaring the Law concerning the Escape of Debtors out of the Prison Rules, and for other Purposes therein mentioned, was read a second Time, and committed to a Committee of the whole House.

Resolved, That this House will resolve itself into the said Committee To-morrow.

A Bill To dock the Entail of certain Lands whereof *John Gregg* is seized, and for settling other Lands and Slaves to be purchased in Lieu thereof to the same Uses, was read a second Time, and committed to Mr *Richard Henry Lee*, and the Members of *Prince William* and *Fairfax*.

A Bill To amend the Act for the better Government of Servants and Slaves was read a second Time, and committed to the Committee of Propositions and Grievances.

And then the House adjourned until To-morrow Morning 11 o'Clock.

Thursday

Thursday, the 29th of November, 5 Geo. III. 1764.

A *Petition of Joseph Royle, Printer, praying a Continuance of his former Salary, was presented to the House and read.*

¹⁶⁰ *Resolved, That the Sum of £375 per Annum be allowed to the said Joseph Royle, Printer to continue to the End of the next Session of Assembly as a full Consideration for printing the Journal of the House of Burgesses, printing the Laws of each Session, and sending as many Copies to the County Court Clerks as there are Justices in the Commission in each respective County, and one other, which is to be half-bound, for the Use of the Court, and ten to the Clerk of the Court of Hustings of the Borough of Norfolk, printing Inspectors Notes and Books, Proclamations, and other publick Advertisements.*

Ordered, That the said Refolve be engrossed, and that Mr Attorney do carry it up to the Council for their Concurrence.

A Bill To enable Tenants in Taille to make Leases of their Lands was read a second Time, and committed to a Committee of the whole House.

Resolved, That this House will resolve itself into a Committee on the said Bill on Tuesday next.

A Claim of Francis Moor, for Prison Fees, and a Reward for taking up Peter Paris, a Defenter.

Also a Petition of John Mills, praying to be allowed for 3 Horses impressed into the Service for the Shawanese Expedition in the Year 1756, appraised to £12. 15.

¹⁶¹ *Also a Petition of John Berriffield, praying to be allowed for two Horses impressed into the said Service, appraised to £9. 10, were severally presented to the House and read.*

Ordered, That the said Claim and Petitions be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A Petition of Richard Todd, setting forth that he is seized in Fee Taille, under the Will of his Father William Todd, deceased, in 1268 Acres of Land in the County of Orange, and it will be greatly to the Benefit of his Family to dock the Entail thereof, whereby he may be able to sell it, and to settle 460 Acres of Land in the County of King and Queen, of which he is seized in Fee Simple, with some Slaves to be annexed thereto, to the same Uses; and praying that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That a Bill be brought in agreeable to the Prayer of the said Petition, and it is referred to Mr Edmund Pendleton to prepare and bring in the same.

¹⁶² *Mr Smith presented to the House, according to Order, a Bill To vest certain entailed Lands whereof William Cary is seized in Allen Jones in Fee Simple, and for settling other Lands and Slaves to be purchased in Lieu thereof to the same Uses; and the said Bill was read the first Time, and Ordered to be read a second Time.*

A Petition of the Vestry of the Parish of St. Luke, in the County of Southampton, setting forth that before the Division of the Parish of Nottoway, in the said County, by an Act made in the 4th Session of this present Assembly the Vestry of the said Parish did in different Years levy several Quantities of Tobacco for repairing the Churches of the said Parish; but no Repairs being ever made, there was a considerable Sum of Money due to the Parish before the Division thereof: That the said Act has made no Provision for the Petitioners, or directed how the said Monies due to the said Parish of St. Luke Division shall be disposed of; and praying that the said Parish of Nottoway may be obliged to refund to the said Parish of St. Luke their Proportion of the Money levied for the Repairs aforesaid, and that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Petition* of *Henry DuVal Mauger*, praying to be allowed for his Services as a Mate or Affittant to Doctor *Robert Johnston*, Surgeon to the last *Virginia* Regiment, was ¹⁶³ presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof; and report the same, with their Opinion thereon, to the House.

On a *Motion* made,

Ordered, That it be an Instruction to the Committee of Propositions and Grievances, to whom it is referred to bring in a Bill For altering the Court Day of the County of *Fauquier*, that they receive a Clause or Clauses for altering the Court Day of the County of *Loudoun* to the 2^d Monday in every Month, and the Court Day of the County of *Fairfax* to the 3^d Monday in every Month.

The *Order* of the Day being read for the House to resolve itself into a Committee on the Bill For amending and declaring the Law concerning the Escape of Debtors out of the Prison Rules, and for other Purposes therein mentioned.

Resolved, That this House will resolve itself into the said Committee To-morrow.

A *Bill* For exempting the Inhabitants of *Elizabeth City* County, on the east Side of *Hampton* River, and also the Minister and other Parishioners of *Suffolk* Parish, from the Payment of Ferriage, and for other Purposes therein mentioned, was read a second Time, and committed to the Committee of Propositions and Grievances. ¹⁶⁴

A *Bill* For establishing the Landing Place from *Frazer's* Ferry at the Causey opposite thereto was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A *Bill* To oblige the Parish of *Cumberland* to refund to the Parish of *Antrim* their Proportion of the Money levied for building 4 Churches in the said Parish before the Division thereof was read the second Time, and committed to the Committee of Propositions and Grievances.

Mr *Attorney*, from the Committee to whom the Bill To dock the Entail of Eighteen Hundred Acres of Land in the Parish of *Albemarle*, and County of *Suffex*, whereof *Nathaniel Harrison* the younger is seized in Fee Tails, and for vesting the same in Trustees in Fee Simple for the Uses therein mentioned, was committed, reported that they had examined into the Allegations thereof, and found them to be true, but had made no Amendments thereto.

Ordered, That the said Bill be engrossed, and read a third Time.

And then the House adjourned until To-morrow Morning 11 o'Clock.

Friday. the 30th of November. 5 Geo. III. 1764. ¹⁶⁵

A *Petition* of *John Phelps*, praying that *John Stephens*, *William Handy*, *Henry Haynes* and *Rofs Noble*, four Soldiers of his Company of Militia, may be allowed their Pay, they being omitted to be inserted in his Pay Roll, and never received any Satisfaction for their Services.

Also a *Petition* of *Susannah Wash*, setting forth that her Husband *John Wash* entered into the Service of this Country as a Volunteer in the Year 1763, and in an Action with the Enemy on *Jackson's* River was killed, bravely fighting for his King and Country, and left the Petitioner in a distressed Condition; were severally presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Bill* To vest certain entailed Lands whereof *William Cary* is seized in *Allen Jones* in Fee Simple, and for settling other Lands and Slaves to be purchased in Lieu thereof to the same Uses, was read a second Time, and committed to Mr *Smith*, Mr *Cary*, Mr *John Fleming*, Mr *Joseph Cabell*, and the Members of *Warwick*.

An engrossed *Bill*, entitled, *An Act for establishing the Landing Place from Frazer's Ferry, at the Causey opposite thereto*, was read the third Time.

166 *Resolved*, That the said *Bill* do pass.

Ordered, That Mr *Carter Braxton* do carry up the said *Bill* to the Council for their Concurrence.

A *Petition* of divers Inhabitants of *Appomattox* River, praying that they may be allowed to set Hedges across the said River for the Benefit of catching Fish, and that all Owners of Mills may be obliged to keep a clear and open Passage through their Dams 3 Months in every Year, from the 10th Day of *March* to the 10th Day of *June*, for the Passage of Fish, and that an Act may pass for that Purpose, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

An engrossed *Bill*, entitled *An Act for the Preservation of the Breed of Cattle*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Cary* do carry it to the Council for their Concurrence.

On a *Motion* made,

167 *Ordered*, That it be an Instruction to the Committee of Propositions and Grievances, to whom the *Bill* For exempting the Inhabitants of *Elizabeth City* County, on the East Side of *Hampton* River, and also the Minister and other Parishioners of *Suffolk* Parish, from the Payment of Ferriage, and for other Purposes therein mentioned, was committed to receive a Clause or Clauses to exempt the Minister of the Parish of *Antrim*, in the County of *Halifax*, at all Times, and the other Inhabitants of the said Parish on *Sundays*, from the Payment of Ferriage, and to empower the Vestry of the said Parish to levy the Expence thereof, in their Parish Levies.

Mr *Attorney*, from the Committee appointed, presented to the House, according to Order, an Address and Representation to his Majesty, also a Memorial to the Right Honourable the Lords Spiritual and Temporal in Parliament assembled, and the Memorial to the Honourable the House of Commons.

Ordered, That the said Address, Representation, &c. be referred to a Committee of the whole House.

Resolved, That this House will resolve itself into a Committee on the same on *Tuesday* next.

Mr *Attorney*, from the Committee of Propositions and Grievances, presented to the House, according to Order, a *Bill* For encouraging the Settlement of the Towns of *Alexandria* and *Falmouth*, and for other Purposes therein mentioned.

168 Also a *Bill* To empower *Henry Allen* to build a Bridge over the South Branch of *Back* River, in the County of *Elizabeth City*, and for other Purposes therein mentioned; and the said *Bills* were read the first Time, and ordered to be read a second Time.

He also reported that the *Committee* had had under their Consideration two *Petitions* to them referred, and had come to two Resolutions thereupon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the *Petition* of *Nicholas Davies*, and also the *Petition* of fundry Inhabitants of the Counties of *Bedford* and *Amherst*, praying that a Ferry may be established over the *Fluvannah* from the said *Davies's* Land, in the County of *Bedford*, at or near the Mouth of *Tuckahoe* Creek, to his Land, near the *Mill Stone* Quarry, in the County of *Amherst*, be rejected.

Resolved, That the *Petition* of fundry other Inhabitants of the upper Part of the County of *Amherst*, praying that a Ferry may be established across the *Fluvannah*, from the Land of *Cornelius Thomas*, at or near the Mouth of his Mill Creek, on the north Side, to the opposite Land of *Nicholas Davies*, in the County of *Bedford*, is reasonable.

Ordered

Ordered, That the said Committee do prepare and bring in a Bill pursuant to the last Resolution.

On a *Motion* made,

The *Bill* To empower *Henry Allen* to build a Bridge over *Back River*, in the County of *Elizabeth City*, and for other Purposes therein mentioned, was read a second Time, and committed to the Committee of Propositions and Grievances. 169

Ordered, That the Petition in Opposition to that which the said Bill is founded upon, and ordered to lie on the Table, be also referred to the said Committee.

Mr Cary, from the Committee of Claims, reported that the Committee had had under their Consideration the Petition of *Alexander Sayers* to them referred, also the Petition of *William Irvine* to them re-committed, and have come to two Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to, as follow:

Resolved, That the Petition of the said *Alexander Sayers* be rejected, it not appearing to this Committee that the Land on which the Damages alleged to be done by the *Virginia* Regiment was the Petitioner's, at the Time the Regiment encamped thereon.

Resolved, That the said *William Irvine* ought to be paid the Sum of £5 for the Mare in his Petition mentioned.

On a *Motion* made,

Ordered, That a Committee be appointed to ascertain the Price of fundry *Indian* Goods belonging to the Publick, purchased by *Mr Israel Christian*, and it is referred to *Mr Edmund Pendleton*, *Mr Travis*, *Mr Walker*, *Mr Hartwell Cocke*, *Mr Walke*, and *Mr Lewis*, to inspect the same, and report their Opinion thereon to the House. 170

A *Petition* of the Mayor, Recorder, Aldermen, Common Council, and other Inhabitants of the Borough of *Norfolk*, praying that an Act may be passed to empower the Court of Hustings of the said Borough to hold Plea of all Actions real, personal, and mixed, and to determine Suits in Chancery, Attachments, Servants, Complaints, and Breaches of the Peace, in the same Manner as the County Courts of this Colony are authorized and empowered to do, and that the Jurisdiction of the said Court may be enlarged, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Claim* of *John Richard*, to be allowed by the Publick for furnishing a Guard, consisting of 12 Men, to conduct the Vagrants draughted from the County of *King* and *Queen* to *Fredericksburg*, was presented to the House and received.

Ordered, That the said Claim be referred to the Consideration of the Committee of Claims: that they examine into the Allegations thereof and report the same, with their Opinion thereon, to the House.

The *Order* of the Day being read for the House to resolve itself into a Committee to take under their further Consideration the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs. 171

Resolved, That this House will again resolve itself into the said Committee on *Tuesday* next.

A *Claim* of *Jacob Sowers*, for Provisions, &c. furnished the Militia, amounting to £4. 14. 8, was presented to the House and received.

Ordered, That the said Claim be referred to the Consideration of the Committee of Claims; that they examined into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

And then the House adjourned until To-morrow Morning 10 o'Clock.

Saturday

Saturday. the 1st of December. 5 Geo. III. 1764.

A *Petition* of *Thomas Walker*, setting forth that he was appointed a Commiffary of Stores and Provisions for this Colony in the Year 1755, and in that Capacity was fued by *Thomas Cresap*, in the County Court of *Augusta* for fundry Charges which accrued during General *Braddock's* Campaign; and though he used every legal Method of Defence, he was condemned by a Jury's Verdict to pay the
 172 Sum of £79. 5, and Cofts. That in the Courfe of the faid Service he was the Means of faving a confiderable Sum of Money to the Colony, and as this was a Lofs fustained in the fame Service, he hoped he may be indemnified out of the Money fo faved, was presented to the Houfe and received.

Ordered, That the faid *Petition* be referred to the Confideration of the Committee of Claims; that they examine into the Allegations thereof, and report the fame, with their Opinion thereon, to the Houfe.

A *Petition* of *Robert Afhbey*, setting forth that *Nimrod Afhbey* his Son was in the Year 1763 ftationed on the Frontiers, with the Command of a Detachment of Militia, that in the Month of *April* 1764 the faid *Nimrod* received from the Treafurer a confiderable Sum of Money, as well for his own Pay as the Pay due to his Men; that on his Return back to the Fort where his Men were ftationed, in Order to pay them the Money which was refpectively due them, and to difcharge fome Debts which he had been under a Neceffity of contracting there, he was furprised by a Party of *Indians*, who murdered him, and took from him £74, which Sum has been fince paid out of his Eftate for the Purpofes aforefaid; which, together with his ordinary Debts, hath reduced his whole Eftate, and left two poor helpiefs Orphans deftitute of Bread; and praying that this Honourable Houfe will take the fame into their Confideration, was presented to the Houfe and read.

173 *Ordered*, That the faid *Petition* be referred to the Confideration of the next Seffion of Affembly.

And then the Houfe adjourned until Tuesday next.

Tuesday. the 4th of December. 5 Geo. III. 1764.

A *Member* being returned upon a new Writ, having taken the Oaths appointed by Act of Parliament to be taken inftead of the Oaths of Allegiance and Supremacy, and taken and fubfcribed the Oath of Abjuration, and alfo fubfcribed the Teft, was admitted to his Place in the Houfe.

The *Order* of the Day being read for the Houfe to refolve itfelf into a Committee to take under their further Confideration the Bill For amending and further continuing the feveral Acts of Affembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

The Houfe immediately refolved itfelf into the faid Committee; and after fome Time fpent therein, Mr *Speaker* refumed the Chair, and Mr *Attorney* reported that the faid Committee had had the faid Bill under their Confideration, but not having Time to go through the fame, had ordered him to move for Leave to fit again.

Refolved, That this Houfe will again refolve itfelf into the faid Committee To-morrow.

174 The *Order* of the Day being read for the Houfe to refolve itfelf into a Committee to take into their Confideration the Addrefs to his Majesty, and the Memorials to the Lords and Commons.

Refolved, That this Houfe will refolve itfelf into the faid Committee on *Thursday* next.

The

The *Order* of the Day being read for the House to resolve itself into a Committee on the Bill To enable Tenants in Taille to make Leafes of their Lands.

Resolved, That this House will resolve itself into a Committee on the said Bill on *Thursday* next.

Ordered, That Mr *Gawin Corbin*, and Mr *Richard Bland*, Jun. be added to the Committee of Propositions and Grievances.

And then the House adjourned until To-morrow Morning 10 o'Clock.

Wednesday, the 5th of December, 5 Geo. III. 1764.

MR *Attorney*, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill For giving further Time for the hearing Chancery Suits brought in the General Court of this Colony, and for other Purposes therein mentioned; and the said Bill was read the first Time, and ordered to be read a second Time.

Mr *John Pendleton* presented to the House, according to Order, a Bill To dock the Entail of certain Lands whereof *Richard Todd* is seized, and for settling other Lands and Slaves in Lieu thereof; and the said Bill was read the first Time, and ordered to be read a second Time. 175

The House, according to Order, resolved itself into a Committee on the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Bill under their further Consideration, and had made some Amendments thereto, but not having Time to go through the same, they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into the said Committee To-morrow.

The *Order*, of the Day being read for the House to resolve itself into a Committee on the Bill For amending and declaring the Law concerning the Escape of Debtors out of the Prison Rules, and for other Purposes therein mentioned.

Resolved, That this House will resolve itself into the said Committee To-morrow.

And then the House adjourned until To-morrow Morning 10 o'Clock.

Thursday, the 6th of December, 5 Geo. III. 1764.

ORDERED, That Mr *Archibald Cary*, Mr *Richard Lee*, and Mr *Tabb*, do go to the Publick Gaol of this City, and examine into the Defects and Decays, and what necessary Repairs ought to be made thereto and that they report them to the House. 176

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the Committee had had under their Consideration two Petitions to them referred, and had come to two Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Petition of sundry Inhabitants of the Parish of *St. Luke*, in the County of *Southampton*, praying to be reimbursed by the Parish of *Nottoway* their Proportion of the Money raised for repairing Churches in the said Parish before the Division thereof, but which was not so applied, is reasonable.

Resolved, That the Petition of the Mayor, Recorder, Aldermen, and Common Council, of the Borough of *Norfolk*, praying that the Jurisdiction of their Court of Hustings may be enlarged, is reasonable.

Ordered

Ordered, That the said Committee do prepare and bring in a Bill or Bills, pursuant to the said Resolutions.

A Message from the Council was delivered by Mr *Walthoe*.

That they have agreed to the Bill, entitled, An Act for establishing the Landing Place from Frazer's Ferry at the Causey opposite thereto.

177 He also delivered a Petition of Mr *Aaron Miller*, addressed to the Governour and Council, and by them recommended to this House, setting forth that he had at great Trouble and Expence invented a new Compass and Protractor, by which an Angle may be measured both in surveying and plotting with greater Accuracy than by any other Instrument hitherto discovered, and praying such a Bounty as the Legislature may think he deserves; and the said Petition was read.

Ordered, That the said Petition be referred to the Consideration of Mr *Richard Bland*, Mr *Richard Henry Lee*, Mr *Wythe*, Mr *Cary*, and Mr *Mercer*; that they examine into the Allegations thereof, and report the same, with their Opinion thereon to the House.

Mr *Edmund Pendleton* presented to the House, according to Order, a Bill To vest certain Lands therein mentioned in *John Syme*, Esq; and others, in Fee Simple, and for settling other Lands and Slaves in Lieu thereof, and the said Bill was read the first Time, and ordered to be read a second Time.

178 Mr *Cary*, from the Committee to whom the Bill To vest certain entailed Lands whereof *William Cary* is seized in *Allen Jones* in Fee Simple, and for settling other Lands and Slaves to be purchased in Lieu thereof to the same Uses, was committed, reported that the Committee had examined into the Allegations thereof and found them to be true, but had made no Amendments thereto; and he delivered the said Bill in at the Table.

Ordered, That the said Bill be engrossed, and read a third Time.

Mr *Attorney*, from the Committee of Propositions and Grievances, to whom the Bill To oblige the Parish of *Cumberland* to refund to the Parish of *Antrim* their Proportion of the Money levied for building four Churches in the said Parish before the Division thereof, was committed reported that the Committee had examined into the Allegations thereof, and found them to be true, but had made no Amendments thereto; and he delivered the Bill in at the Table. And the Question being put that the said Bill be engrossed, and read a third Time,

It passed in the Negative.

Resolved, That the said Bill be rejected.

179 He also reported from the said Committee, to whom the Bill To empower *Henry Allen* to build a Bridge over the south Branch of *Back River*, in the County of *Elizabeth City*, and for other Purposes therein mentioned, was committed, that they had examined into the Allegations thereof, and found them to be true, but had made no Amendments thereto; and he delivered the said Bill in at the Table. And the Question being put that the said Bill be engrossed, and read a third Time,

It passed in the Negative.

Resolved, That the said Bill be rejected.

He also reported from the said Committee, to whom the Bill For exempting the Inhabitants of *Elizabeth City* County on the east Side of *Hampton River*, and also the Minister and other Parishioners of *Suffolk* Parish, from the Payment of Ferriage, and for other Purposes therein mentioned, was committed, that the said Committee had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to by the House.

Ordered, That the said Bill, with the Amendments, be engrossed, and read a Third Time.

He also, from the said Committee, presented to the House, according to Order, a Bill For opening and clearing a Road through *Swift Run* Gap over the Mountains, in *Augusta*.

Also

Also a Bill For altering the Court Day of *Fauquier, Loudoun, and Fairfax* Counties.

Also a Bill For appointing several new Ferries, and for other Purposes therein mentioned.

Also a Bill For making an equal Division of a Donation of one *Matthew Godfrey* between the several Parishes in the County of *Norfolk*, for the Benefit of their Poor; and the said Bills were severally read the first Time, and ordered to be read a second Time. 180

On a *Motion* made,

Ordered, That it be an Instruction to the Committee of Claims to allow *John Gale* in the Book of Claims the Sum of £10 towards his present Relief.

Resolved, That the Sum of £5 per Annum be allowed to the said *Gale* during his Life, in Consideration of the Wounds he received in the Service of this Colony.

Ordered, That *Mr Cary* do carry the said Resolve to the Council for their Concurrence.

Mr Cary, from the Committee of Claims, reported that the said Committee had had under their Consideration several Petitions to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, with an Amendment, as follow:

Resolved, That *Henry Darnell* ought to be allowed by the Publick the Sum of £37. 14 for the Bounty Money, enlisting, and subsisting the Recruits in his Petition mentioned.

Resolved, That *Susannah Wash*, Widow of *John Wash*, a Soldier who was killed in the Service of this Colony, ought to be allowed the Sum of £30 by the Publick for her Relief.

Resolved, That the Petition of *John Barrisfield* and *John Mills*, to be paid for Horses for the *Shawanese* Expedition, be rejected; it appearing to this Committee that their Claims in their respective Petitions were considered, and rejected, at a former Session of Assembly. 181

Resolved, That the Petition of *William Harrison* and *William Wren*, Inspectors at *Gibson's* Warehouse, to be paid for Tobacco stolen out of the said Warehouse, be rejected; it not appearing to this Committee that the said Warehouse was sufficiently secured at the Time the said Tobacco was stolen.

The House, according to Order, resolved itself into a Committee on the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs; and after some Time spent therein, *Mr Speaker* resumed the Chair, and *Mr Attorney* reported that they had had the same under their further Consideration, and had made several Amendments thereto, but not having Time to go through the same, they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into the said Committee To-morrow.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill To enable Tenants in Taille to make Leases of their Lands. 182

Resolved, That this House will resolve itself into a Committee on the said Bill To-morrow.

The Order of the Day being read for the House to resolve itself into a Committee to take into their Consideration the Address to his Majesty, and the Memorial to the Lords and Commons.

Resolved, That this House will resolve itself into the said Committee To-morrow.

And then the House adjourned until To-morrow Morning 10 o'Clock.

Friday, the 7th of December. 5 Geo. III. 1764.

A Member returned on a new Writ, having taken the Oaths appointed to be taken by Act of Parliament, instead of the Oaths of Allegiance and Supremacy, and taken and subscribed the Oath of Abjuration, and also subscribed the Test, was admitted to his Place in the House.

A Bill For encouraging the Settlement of the Towns of *Alexandria* and *Falmouth*, and for other Purposes therein mentioned, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

Mr *Cary*, from the Committee of Publick Claims, reported that the Committee had
 183 examined and considered all the publick Claims which had been laid before them this
 Session, and had agreed upon a Report, which he had entered in a Book, and he delivered
 the Book in at the Table.

Ordered, That the said Report do lie on the Table.

A Bill For altering the Court Days of the Counties of *Fauquier*, *Loudoun* and *Fairfax*
 was read a second Time, and committed to the Committee of Propositions and Griev-
 ances; who are to receive a Clause, or Clauses, for altering the Court Day of the County
 of *Louisa*.

Nine *Petitions* from divers Inhabitants of the Parish of *St. George*, in the County
 of *Spotsylvania*, in Opposition to a Petition presented to this House the 6th of last Month
 for a Division of the said Parish, and praying that the same may be rejected, was pre-
 sented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the Committee
 of Propositions and Grievances; that they examine into the Allegations thereof, and report
 the same, with their Opinion thereon, to the House.

A *Petition* of Mr *Peterfield Trent*, complaining of an undue Election and Return of
 Mr *Henry Fry* to serve as a Burgees in this present General Assembly for the County of
Albemarle, was presented to the House and read.

184 *Ordered*, That the said Petition be referred to the Consideration of the Committee
 of Privileges and Elections; that they examine into the Allegations thereof, and report
 the same, with their Opinion thereon, to the House.

The *Order* of the Day being read, the House again resolved itself into a Committee
 on the Bill For amending and further continuing the several Acts of Assembly of this
 Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's
 Customs, and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr
Attorney reported that the Committee had had the said Bill under their further Consid-
 eration, but not having Time to go through the same, they had directed him to move
 for Leave to sit again.

Resolved, That this House will again resolve itself into the said Committee Tomorrow.

The *Order* of the Day being read for the House to resolve itself into a Committee
 to take into their Consideration the Address to his Majesty, and the Memorials to the
 Lords and Commons.

Resolved, That this House will resolve itself into the said Committee on *Monday* next.

The *Order* of the Day being read for the House to resolve itself into a Committee
 on the Bill To enable Tenants in Taille to make Leafes of their Lands.

Resolved, That this House will resolve itself into the said Committee on *Monday*
 next.

185 The *Order* of the Day being read for the House to resolve itself into a Committee on
 the Bill For amending and declaring the Law concerning the Escape of Debtors out of
 the Prison Rules, and for other Purposes therein mentioned.

Resolved, That this House will resolve itself into the said Committee on *Monday*
 next.

And then the House adjourned until To-morrow Morning 10 o'Clock.

Saturday, the 8th of December. 5 Geo. III. 1764.

THE House being informed that Mr *Leonard Claiborne*, a Member of this House,
 against whom a Decree of the General Court hath been obtained for the Re-
 covery of several Slaves, is about to remove himself and the said Slaves out
 of this Colony, while under the Protection of his Privilege, no Execution
 on the said Decree can be served on him to prevent such Removal.

Ordered, That the said Information be referred to the Consideration of the Committee
 of Privileges and Elections; that they examine into the Allegations thereof, and report
 the same, with their Opinion thereon, to the House.

: A *Bill* To vest certain Lands therein mentioned in *John Syme*, Esquire, and others, in Fee Simple, and for settling other Lands and Slaves in Lieu thereof, was read a second Time, and committed to Mr *Edmund Pendleton*, Mr *Littlepage*, and Mr *Fry*, and the Members of *Fairfax* and *Louisa*. 186

A *Bill* To dock the Entail of certain Lands whereof *Richard Todd* is seized, and for settling other Lands and Slaves in Lieu thereof, was read a second Time, and committed to Mr *John Pendleton*, and the Members of *Orange*, *Albemarle*, and *Culpeper*.

Ordered, That the Committee of Propositions and Grievances be discharged from proceeding further on the Petition from the Parish of *Saint George* to them referred.

A *Bill* For clearing a Road through *Swift Run* Gap over the Mountains was read a second Time, and committed to the Committee of Propositions and Grievances.

The House proceeded to the Consideration of the Report from the Committee of Claims reported Yesterday, and Part thereof was read and agreed to.

Ordered, That the further Consideration of the said Report be put off until *Monday* next.

Mr *Bland*, from the Committee of Privileges and Elections, reported that the Committee had had under their Consideration the Petition of Mr *Peterfield Trent*, complaining of an undue Election and Return of Mr *Henry Fry* to serve as a Burgess in this present General Assembly for the County of *Albemarle*, to them referred, and had come to several Resolutions thereupon; which he read in his Place; and then delivered in at the Table, where they were again twice read, and agreed to by the House. 187

Resolved, That the Petitioner and sitting Member be at Liberty to examine and take the Depositions of Witnesses touching the Allegations of the said Petition, before *Arthur Hopkins*, *Matthew Jordan*, *John Henderson*, and *Nicholas Meriwether*, of the said County of *Albemarle*, Gentlemen, or any three of them, and that the said Commissioners do return the Depositions so to be taken to the next Session of Assembly.

Resolved, That the Petitioner do, at least ten Days before the Day to be appointed by the said Commissioners for taking the Depositions of Witnesses as aforesaid, give to the sitting Member Notice in Writing of any illegal Proceedings of the Sheriff of the said County at or concerning the said Election, or of any illegal treating of the Freeholders of the said County, about which he intends to examine Witnesses before the said Commissioners.

Resolved, That the further Consideration of the said Petition be referred to the next Session of Assembly.

He also reported that the Committee had had under their Consideration an Information to them referred against Mr *Leonard Claiborne*, a Member of this House, against whom a Decree of the General Court hath been obtained for the Recovery of several Slaves, that he is about to remove the said Slaves out of this Colony, and intends to prevent any Execution of the said Decree, under the Protection of his Privilege as a Member of this House, and had agreed upon a Report, and come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to with some Amendments. 188

It appears to your Committee that the Allegations of the said Information are true.

Resolved, That the Plaintiffs in the said Suit ought to be at Liberty to serve an Execution of the said Decree upon the said *Leonard Claiborne*, notwithstanding his Privilege as a Member of this House.

The Order of the Day being read, the House again resolved itself into a Committee on the Bill For amending an Act entitled *An Act for amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs*; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Bill under their further Consideration, but not having Time to go through the same they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into the said Committee on *Monday* next.

And then the House adjourned until *Monday* Morning 10 o'Clock.

Monday

Monday. the 10th of December. 5 Geo. III. 1764.

M^R Attorney presented to the House, according to Order, a Bill For amending the Act entitled *An Act directing the Trial of Slaves committing capital Crimes, and for the more effectual punishing Conspiracies and Insurrections of them, and for the better Government of Negroes, Mulattoes, and Indians, bond or free*; and the said Bill was read the first Time, and ordered to be read a second Time.

On a Motion made,

Ordered, That Leave be given to bring in a Bill To vest certain entailed Lands in Robert Lewis, Gentleman, in Fee Simple, and for purchasing more convenient Lands to be settled in Lieu thereof; and it is referred to M^r Edmund Pendleton to prepare and bring in the same.

The House, according to Order, resolved itself into a Committee on the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs; and after some Time spent therein, M^r Speaker resumed the Chair, and M^r Attorney reported that they had had the same under their further Consideration, and had made several Amendments thereto, but not having Time to go through the same, they had directed him to move for Leave to sit again.

190 Resolved, That this House will again resolve itself into the said Committee To-morrow.

The Order of the Day being read for the House to resolve itself into a Committee to take into their Consideration the Address to his Majesty and the Memorials to the Lords and Commons.

Resolved, That this House will resolve itself into the said Committee To-morrow.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill To enable Tenants in Taille to make Leases of their Lands,

Resolved, That this House will resolve itself into the said Committee To-morrow.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill For amending and declaring the Law concerning the Escape of Debtors out of Prison Rules, and for other Purposes therein mentioned,

Resolved, That this House will resolve itself into the said Committee To-morrow.

A Message from the Governour by M^r Walthoe.

That his Honour had just received from Colonel Bouquet a Letter, including the several Conferences between him and the Indians, together with the Terms of Peace, which he had directed him to deliver to this House.

191 Ordered, That the said Letter and Papers do lie on the Table.

And then the House adjourned until To-morrow Morning 10 o'Clock.

Tuesday. the 11th of December. 5 Geo. III. 1764.

A Member returned on a new Writ, having taken the Oaths appointed to be taken by Act of Parliament, instead of the Oaths of Allegiance and Supremacy, and taken and subscribed the Oath of Abjuration, and also subscribed the Test, was admitted to his Place in the House.

M^r Richard Henry Lee presented to the House, according to Order, a Bill For the Preservation of Sheep.

Also a Bill To prevent the Practice of selling Persons for Slaves that are not so; and the said Bills were severally read the first Time, and ordered to be read a second Time.

A Message from the Council by M^r Walthoe.

That

That they have agreed to the Bill entitled, An Act¹ for further continuing an Act for reducing the several Acts for making Provision against Invasions and Insurrections into one Act.

Also to the Bill entitled An Act² for further continuing an Act entitled An Act for reducing the several Acts made for laying a Duty on Liquors into one Act, without any Amendments.

And that they have agreed to the Bill entitled An Act³ for the Preservation of the Breed of Cattle in this Colony, with some Amendments, to which they desire the Concurrence of this House. 192

The House immediately proceeded to the Consideration of the said Amendments; and the same being read, were agreed to.

Ordered, That Mr *Richard Henry Lee* do go up to the Council, and acquaint them therewith.

Mr *Bland* presented to the House, according to Order, a Bill For the Relief of Parishes from such Charges as may arise from bastard Children born within the same; and the said Bill was read the first Time, and ordered to be read a second Time.

Mr *Landon Carter*, from the Committee to whom the Bill For vesting the absolute Property of certain Slaves therein named in *George Heal*, Gentleman, and for settling three certain Tracts of Land therein mentioned on the said *George Heal* in Lieu of the said Slaves, was committed, reported that the said Committee had examined into the Allegations thereof, and found them to be true, and had made some Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

Ordered That the said Bill, with the Amendments, be engrossed, and read a third Time. 193

Mr *Edmund Pendleton*, from the Committee to whom the Bill To dock the Entail of certain Lands whereof *Richard Todd* is seized, and for settling other Lands and Slaves in Lieu thereof, was committed, reported that the said Committee had examined into the Allegations thereof, and found them to be true, and had made some Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill, with the Amendments, be engrossed, and read a third Time.

Mr *Bland*, from the Committee of Privileges and Elections, reported that the said Committee had had under their Consideration the Returns of the several Writs for electing Burgesses to serve in this present General Assembly for the Counties of *King George*, *Cumberland*, *Middlesex*, and *Albemarle*, to them referred, and had agreed upon a Report, and come to two Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Returns of the Writs for electing Burgesses for the Counties of *Cumberland* and *Middlesex* are made in the Form prescribed by Law. 194

Resolved, That the Returns of the Writs for electing Burgesses for the Counties of *King George* and *Albemarle* are not made in the Form prescribed by Law.

Ordered, That the Return of the Writs mentioned in the last Resolution be amended by the Clerk at the Table.

A *Petition* of Mr *Hampton Wade*, complaining of an undue Election and Return of Mr *Edward Booker* to serve as a Burgess in this present General Assembly for the County of *Halifax*, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Privileges and Elections; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr

¹ Hening, VIII, p. 37.

² *Ibid.*, VIII, p. 38.

³ Not in Hening.

Mr *Cary*, from the Committee of Claims, reported that the Committee had had under their Consideration the Petitions of *Thomas Walker* and *Henry DuVal Mauger* to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the said *Thomas Walker* ought to be paid by the Publick the Sum of £87. 10. 6, to reimburse him the Judgment and Coſts in his Petition mentioned.

Resolved, That the Petition of *Henry DuVal Mauger* be rejected, it appearing to this Committee that Doctor *Robert Johnson* hath already received Pay for the Service in the said Petition mentioned.

195 Mr *Pendleton* presented to the House, according to Order, a Bill To vest certain entailed Lands in *Robert Lewis*, Gentleman, in Fee Simple, and for purchasing more convenient Lands to be settled in Lieu thereof; which was read the first Time, and ordered to be read a second Time.

Mr *Henry Lee*, from the Committee to whom the Bill To dock the Entail of certain Lands whereof *John Gregg* is seized, and for settling other Lands and Slaves to be purchased in Lieu thereof to the same Uses, was committed, reported that the said Committee had examined into the Allegations thereof, and found them to be true, and had made some Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill, with the Amendments, be engrossed, and read a third Time.

Mr *Edmund Pendleton*, to whom the Bill To vest certain entailed Lands therein mentioned in *John Syme*, Esq; and others, in Fee Simple, and for settling other Lands and Slaves in Lieu thereof, was committed, reported that the said Committee had examined into the Allegations thereof, and found them to be true, and had made some Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

196 *Ordered*, That the said Bill, with the Amendments, be engrossed, and read a third Time.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill For amending and declaring the Law concerning the Escape of Debtors out of the Prison Rules, and for other Purposes therein mentioned.

Resolved, That this House will resolve itself into the said Committee To-morrow.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill To enable Tenants in Taille to make Leases of their Lands.

Resolved, That this House will resolve itself into the said Committee To-morrow.

The Order of the Day being read for the House to resolve itself into a Committee to take into their Consideration the Address to his Majesty, and the Memorials to the Lords and Commons.

Resolved, That this House will again resolve itself into the said Committee To-morrow.

On a Motion made,

Ordered, That Colonel *Bouquet's* Letter to his Honour the Governour, and the Treaties made with the *Indians*, which were Yesterday ordered to lie on the Table, be read; and the same were read accordingly.

197 *Resolved*, That an Address be made to his Honour the Governour, humbly to acquaint him that as this House is of Opinion the Militia may be now safely disbanded, he would be pleased to issue out Orders for that Purpose; and that Mr *Archibald Cary*, Mr *John Fleming*, and Mr *Philip Johnson*, do wait on his Honour with the said Address.

Resolved, That an humble Address be made to the Governour, intreating his Honour that he will be pleased to recommend Colonel *Bouquet* to his Majesty's Favour, for the Spirit, Activity, and Zeal, with which he has reduced the *Indians* to Terms of Peace

Peace, and compelled them to deliver up many of his Majesty's Subjects made Captives by those Savages; and that Mr *Bland*, and Mr *Richard Henry Lee*, do wait on his Honour with the said Addrefs.

The House proceeded to the Consideration of the Book of Claims; and Part thereof was read, and agreed to.

And then the House adjourned until To-morrow Morning 10 o'Clock.

Wednesday, the 12th of December, 5 Geo. III. 1764.

MR Attorney, from the Committee of Propositions and Grievances, to whom the Bill For altering the Court Day of the County of *Fauquier* was committed, reported that the Committee had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to by the House. 198

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

A Bill For appointing several new Ferries, and for other Purposes therein mentioned, was read a second Time, and committed to the Committee of Propositions and Grievances. And

On a Motion made,

Ordered, That it be an Instruction to the said Committee to receive a Clause, or Clauses, to establish a Ferry from the Land of *William Black*, on the south Side of *Roanoke* River, in *Lunenburg* County, to an Acre of Land purchased by him of one *Brookes*, on the opposite Side thereof.

Mr *Bland*, from the Committee of Privileges and Elections, reported that the Committee had had under their Consideration the Petition of *Bertrand Ewell*, praying to be heard on an Information exhibited against him to this House at a former Session of Assembly, for claiming an Allowance to be made him for certain Slaves employed by him in Iron Works in the County of *Prince William*, which it is charged in the Information were not so employed; and having heard the said Petitioner, and the Depositions of several Witnesses, produced by him to the Committee, had come to a Resolution thereon; which he read in his Place, and then delivered in at the Table; where it was again twice read, and agreed to by the House, as follows: 199

Resolved, That it does not appear to them that the said *Bertrand Ewell* had any unjust Intention in making the Demand on the Publick for the Tobacco mentioned in the said Information, and therefore he ought to be discharged out of Custody, without paying Fees.

He also reported that the said Committee had had under their Consideration the Petition of Mr *Hampton Wade*, complaining of an undue Election and Return of Mr *Edward Booker*, to serve as a Burgess in this present General Assembly for the County of *Halifax*, to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to, as follow:

Resolved, That the Persons who voted at the said Election whose Freeholds are questioned, either by the Petitioner or sitting Member, be examined upon Oath before *Nathaniel Terry*, *Archibald Gordon*, *Hugh Innes*, and *John Coleman*, of the said County of *Halifax*, Gentlemen, or any three of them, whether they be Freeholders or not, except such of them as did swear to their Freeholders at the Election. 200

Resolved, That the Petitioner and sitting Member be at Liberty to examine Witnesses before the said Persons as to the Freeholds, or other Qualifications, of any Person who voted at the said Election, although such Persons swore to their Freeholds at such Election, or shall swear to the same at the Examination; and that it be an Instruction to the Persons before whom such Examinations are to be taken to examine how long such Voters have been in Possession of, and paid Quitrents for, the Lands or Tenements in

in right of which they voted at the Election, and that they return the Depositions they shall take to the next Session of Assembly.

Resolved, That the Petitioner give to the fitting Member ten Days Notice at least of the Time and Place when and where he intends to examine his Witneffes, also a Lift in Writing of the Names of the Voters he intends to except to, distinguishing against each Name the several Heads of Exception; and that the fitting Member do the like to the Petitioner.

Resolved, That as well the Petitioner as the fitting Member be at Liberty to examine Witneffes before the same Persons, as to the fitting Member's promising or engaging to give a Sum of Money to one *William Wright*, one of the Poll Takers at the said Election, named in the said Petition, or of any Partiality or ill Conduct of the said *William Wright* on that Occasion, either in refusing or omitting to enter the Name of any Freeholder who offered to vote at the said Election for either of the Candidates, or in any other Instance whatsoever.

Resolved, That the further Consideration of the said Petition ought to be referred to the next Session of Assembly.

Mr *Mercer* reported that the Committee to whom the Bill For giving a greater Reward for killing Wolves was committed, had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to, with some Amendments.

Ordered, That the said Bill with the Amendments, as amended, be engrossed, and read a third Time.

The *Order* of the Day being read for the House to resolve itself into a Committee on the Bill For amending itself into a Committee on the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Resolved, That this House will again resolve itself into the said Committee on *Friday* next.

The Order of the Day being read for the House to resolve itself into a Committee to take into their Consideration the Addresse to his Majesty, and the Memorials to the Lords and Commons.

Resolved, That this House will again resolve itself into the said Committee To-morrow.

The *Order* of the Day being read for the House to resolve itself into a Committee on the Bill For amending and declaring the Law concerning the Escape of Debtors out of the Prison Rules, and for other Purposes therein mentioned.

Resolved, That this House will resolve itself into the said Committee To-morrow.

The *Order* of the Day being read for the House to resolve itself into a Committee on the Bill To enable Tenants in Taille to make Leases of their Lands.

Resolved, That this House will resolve itself into the said Committee To-morrow.

Mr *Cary* reported that the Gentlemen appointed had waited on his Honour the Governour with the Addresse of this House of Yesterday, to which his Honour answered *He was pleased we had communicated our Opinion to him; that he thought as we did that the Militia might now be safely disbanded, and he would give immediate Orders for that Purpose.*

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To dock the Entail of a Tract of Land in the County of *York* whereof *Robert Booth Armistead* is seized in Fee Taille, and to vest the same in Trustees in Fee Simple for the Uses therein mentioned, and it is referred to Mr *Attorney* to prepare and bring in the same.

A Bill To vest certain entailed Lands in *Robert Lewis* Gentleman, in Fee Simple, and for purchasing more convenient Lands to be settled in Lieu thereof, was read a second Time, and committed to Mr *Edmund Pendleton*, and the Members for *Hanover* and *New Kent* Counties.

And then the House adjourned until To-morrow Morning 10 o'Clock.

Thursday

Thursday, the 13th of December. 5 Geo. III. 1764.

AN engrossed *Bill* entitled *An Act for encouraging the Settlement of the Towns of Alexandria and Falmouth, and for other Purposes therein mentioned*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *West* do carry it up to the Council for their Concurrence.

An engrossed *Bill* entitled *An Act for altering the Court Days of the Counties of Fauquier, Loudoun, Louisa, and Fairfax*, was read the third Time, and the Blanks therein filled up.

Resolved, That the Bill do pass.

Ordered, That Mr *West* do carry it up to the Council for their Concurrence.

An engrossed *Bill* entitled *An Act to vest certain Lands therein mentioned in John Syme Esq; and others, in Fee Simple, and for settling other Lands and Slaves in Lieu thereof*, was read the third Time. 204

Resolved, That the said Bill do pass.

Ordered, That Mr *Edmund Pendleton* do carry it up to the Council for their Concurrence.

Mr *Pendleton*, from the Committee to whom the Bill To vest certain entailed Lands in *Robert Lewis*, Gentleman, in Fee Simple, and for purchasing more convenient Lands to be settled in Lieu thereof, was committed, reported that they had examined into the Allegations thereof, and found them to be true, but had made no Amendments thereto.

Ordered, That the said Bill be engrossed, and read a Third Time.

On a *Motion* made,

Resolved, That an Address be made to his Honour the Governour to desire that he would be pleased to inform this House at what Time it was he first gave his Orders to Col. *Stephen* to encourage Volunteers to enlist and enter into the Expedition under the Command of Col. *Bouquet*, and that Mr *Attorney* do wait on him with the said Address.

Mr *Bland* reported that he had waited on his Honour the Governour with the Address of this House of *Tuesday* last, desiring that he would be pleased to recommend Col. *Bouquet* to his Majesty's Favour; to which his Honour answered *That he was extremely pleased with the Address of this House, as in his own Opinion Col. Bouquet merited their particular Notice, and that he would comply with the Desire of this House by recommending Col. Bouquet to his Majesty's Favour*. 205

On a *Motion* made,

Resolved, That an humble Address be presented to his Honour the Governour to acquaint him that this House cannot think themselves under any Obligation to provide for the Pay of the Volunteers who joined Col. *Bouquet* from this Colony, or even justifiable in so doing, as no Application had been made to, or any Directions given by them, for the enlisting such Volunteers; but as they enlisted in Consideration of the Pay and Encouragement offered them by Col. *Bouquet*, they ought to apply to him for the Performance of his Engagements to them, with which we have not the least Doubt of his ready Compliance; and that Mr *Edmund Pendleton* and Mr *Richard Henry Lee* do wait on his Honour with the said Address.

An engrossed *Bill* entitled *An Act to dock the Entail of 1800 Acres of Land in the Parish of Albemarle, and County of Sussex, whereof Nathaniel Harrison the Younger is seized in Fee Taille, and for vesting the same in Trustees in Fee Simple for the Uses therein mentioned*, was read the third Time, and the Blanks therein filled up. 206

Resolved, That the said Bill do pass.

Ordered, That Mr *Attorney* do carry it up to the Council for their Concurrence.

Mr *Henry Lee* presented to the House, according to Order, a Bill For paying the Burgeffes

¹ Hening, VIII, p. 49.

² *Ibid.*, VIII, p. 47.

³ *Ibid.*, VIII, p. 54.

⁴ *Ibid.*, VIII, p. 66.

Burgeffes Wages for this prefent Seffion of Affembly in Money; and the faid Bill was read the firft Time, and ordered to be read a fecond Time.

On a *Motion* made,

Ordered, That the Treafurer of this Colony lay his Accounts before the Houfe.

The *Order* of the Day being read for the Houfe to refolve itfelf into a Committee on the Bill To enable Tenants in Taille to make Leafes of their Lands.

Refolved, That this Houfe will refolve itfelf into a Committee on the faid Bill To-morrow.

The *Order* of the Day being read for the Houfe to refolve itfelf into a Committee on the Bill For amending and declaring the Law concerning the Efcape of Debtors out of the Prifon Rules, and for other Purpofes therein mentioned.

Refolved, That this Houfe will refolve itfelf into a Committee on the faid Bill To-morrow.

207 The *Order* of the Day being read for the Houfe to refolve itfelf into a Committee to take into their Confideration the Addrefs to his Majefty, and the Memorials to the Lords and Commons.

The Houfe immediately refolved itfelf into a Committee on the faid Addrefs and Memorials; and after fome Time fpent therein, Mr *Speaker* refumed the Chair, and Mr *Attorney* reported that the Committee had had the faid Addrefs and Memorials under their Confideration, and had made feveral Amendments to the faid Memorials, but none to the Addrefs, which he was to deliver in at the Table.

Ordered, That the faid Report be made to the Houfe To-morrow.

And then the Houfe adjourned until To-morrow Morning 10 o'Clock.

Friday, the 14th of December, 5 Geo. III. 1764.

A N engroffed *Bill* entitled *An Act to veft certain entailed Lands whereof William Cary is feized in Allen Jones in Fee Simple, and for fettling other Lands and Slaves to be purchafed in Lieu thereof to the fame Ufes*, was read the third Time.

Refolved, That the faid Bill do pafs.

Ordered, That Mr *Smith* do carry up the faid Bill to the Council for their Concurrence.

208 An engroffed *Bill* entitled *An Act for vefting the abfolute Property of certain Slaves therein named in George Heal, Gentleman, and for fettling three certain Tracts of Land therein mentioned on the faid George Heal in Lieu of the faid Slaves*, was read the third Time.

Refolved, That the faid Bill do pafs.

Ordered, That Mr *Landon Carter* do carry up the faid Bill to the Council for their Concurrence.

An engroffed *Bill* entitled *An Act to dock the Entail of certain Lands whereof Richard Todd is feized, and for fettling other Lands and Slaves in Lieu thereof*, was read the third Time.

Refolved, That the faid Bill do pafs.

Ordered, That Mr *John Pendleton* do carry up the faid Bill to the Council for their Concurrence.

An engroffed *Bill* entitled *An Act for exempting the Inhabitants of Elizabeth City County, and alfo the Minifters and other Parifhioners of Suffolk in Nanfemond, and of Antrim Parifh in Halifax, from the Payment of Ferriage, and for other Purpofes therein mentioned*, was read the third Time.

Refolved, That the faid Bill do pafs.

Ordered, That Mr *Lemuel Riddick* do carry up the faid Bill to the Council for their Concurrence.

209 A *Bill* For making an equal Divifion of a Donation of one *Matthew Godfrey* between the feveral Parifhes in the County of *Norfolk*, for the Benefit of their Poor was read a fecond Time, and committed to Mr *Bradley* and Mr *Hutchings*.

Mr

¹ Hening, VIII, p. 61.

² *Ibid.*, VIII, p. 63.

³ *Ibid.*, VIII, p. 57.

⁴ *Ibid.*, VIII, p. 52.

Mr *Bradley* from the Persons to whom the said Bill was committed, reported that they had examined into the Allegations thereof, and found them to be true and had made some Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

An engrossed Bill entitled *An Act to vest certain entailed Lands in Robert Lewis, Gentleman, in Fee Simple, and for purchasing more convenient Lands to be settled in Lieu thereof*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Littlepage* do carry up the said Bill to the Council for their Concurrence.

The *Treasurer*, according to Order, laid his Accounts before the House.

Ordered, That they do lie on the Table for the Perusal of the Members of this House.

Mr *Attorney*, according to Order, reported the Amendments proposed by the Committee of the whole House to the Memorials to the Lords and Commons; and he read the same in his Place, and then delivered them in at the Table, where they were again twice read, and agreed to by the House. 210

Ordered, That the said Addresse and Memorials, with the Amendments, as agreed, be fairly transcribed.

Ordered, That Mr *Attorney* do go up with a Message to be Council, to acquaint them that this House have agreed upon an Addresse to his Majesty, and Memorials to the Right Honourable the Lords Spiritual and Temporal and the Commons of *Great Britain* in Parliament assembled, and that this House do desire they will join them therein, and further, that they desire a Conference with them on the Subject Matter of the said Addresse and Memorials, and will appoint a certain Number of their Members to meet such as shall be appointed by the Council for that Purpose.

Ordered, That Mr *Attorney*, Mr *Richard Henry Lee*, Mr *Wythe*, Mr *Edmund Pendleton*, Mr *Cary*, and Mr *Fleming*, be appointed Managers for this House at the said Conference.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Resolved, That this House will again resolve itself into the said Committee Tomorrow. 211

The Order of the Day being read for the House to resolve itself into a Committee on the Bill For amending and declaring the Law concerning the Escape of Debtors out of the Prison Rules, and for other Purposes therein mentioned.

Resolved, That this House will resolve itself into the said Committee Tomorrow.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill To enable Tenants in Taille to make Leases of their Lands.

Resolved, That this House will resolve itself into the said Committee Tomorrow.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Saturday, the 15th of December, 5 Geo. III. 1764.

MR *Richard Henry Lee*, from the Committee to whom the Petition of *Aaron Miller* was referred, reported that they had examined the Instruments mentioned in the said Petition, and were of Opinion that Surveys of Land may be made and plotted by them with greater Accuracy than any Instruments of the Kind that they have ever seen or heard of; and that the Invention is ingenious, and deserves the Publick's Encouragement; and that they had come to a Resolution, which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows: 212

Resolved

Resolved, That the said *Aaron Miller* ought to be allowed the Sum of £30, as a Consideration for his useful Invention.

Ordered, That the said Resolve be engrossed, and that Mr *Richard Henry Lee* do carry it up to the Council for their Concurrence.

A *Message* from the Council by Mr *Walthoe*.

*That they have agreed to the Bill entitled An Act*¹ for exempting the Inhabitants of *Elizabeth City* County, and also the Ministers and other Parishioners of *Suffolk* in *Nansemond*, and of *Antrim* Parish in *Halifax*, from the Payment of Ferriage, and for other Purposes therein mentioned.

*Also to the Bill entitled An Act*² for altering the Court Days of the Counties of *Fauquier*, *Loudoun*, *Louisa*, and *Fairfax*.

*Also to the Bill entitled An Act*³ to dock the Entail of certain Lands whereof *Richard Todd* is seized, and for settling other Lands and Slaves in Lieu thereof.

*Also to the Bill entitled An Act*⁴ to vest certain entailed Lands whereof *William Cary* is seized in *Allen Jones* in Fee Simple, and for settling other Lands and Slaves to be purchased in Lieu thereof to the same Uses.

213 *Also to the Bill entitled An Act*⁵ to vest certain Lands therein mentioned in *John Syme*, Esq; and others, in Fee Simple, and for settling other Lands and Slaves in Lieu thereof.

*Also to the Bill entitled An Act*⁶ for vesting the absolute Property of certain Slaves therein named in *George Heal*, Gentleman, and for settling three certain Tracts of Land therein mentioned on the said *George Heal* in Lieu of the said Slaves, *without any Amendments*.

*And that they have agreed to the Bill entitled An Act*⁷ to dock the Entail of 1800 Acres of Land in the Parish of *Albemarle*, in the County of *Suffex*, whereof *Nathaniel Harrison* the younger is seized in Fee Taille, and for vesting the same in Trustees in Fee Simple for the Uses therein mentioned.

*Also to the Bill entitled An Act*⁸ for encouraging the Settlement of the Towns of *Alexandria* and *Falmouth*, and for other Purposes therein mentioned, *with some Amendments, to which they desire the Concurrence of this House*.

The House immediately proceeded to the Consideration of the Amendments proposed by the Council to the Bill entitled *An Act*⁹ to dock the Entail of 1800 Acres of Land in the Parish of *Albemarle*, in the County of *Suffex*, whereof *Nathaniel Harrison* the younger is seized in Fee Taille, and for vesting the same in Trustees in Fee Simple for the Uses therein mentioned; and the same being read, were agreed to.

Ordered, That Mr *Attorney* do go up to the Council and acquaint them therewith.

214 The House also proceeded to consider the Amendments proposed by the Council to the Bill entitled *An Act*¹⁰ for encouraging the Settlement of the Towns of *Alexandria* and *Falmouth*, and for other Purposes therein mentioned, and the same being read, were agreed to.

Ordered, That Mr *Attorney* do go up to the Council and acquaint them therewith.

Mr *Attorney* from the Committee of Propositions and Grievances, to whom the Bill For appointing several new Ferries, and for other Purposes therein mentioned, was committed, reported that the Committee had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to.

Ordered, That the said Bill, with the Amendments, be engrossed, and read a third Time.

The House, according to Order, resumed the adjourned Consideration of the Book of Claims; and the remaining Part thereof was read, and the Allowances of the several Officers being added, it was agreed to by the House.

Ordered, That Mr *Cary* do carry up the said Book to the Council for their Concurrence.

A *Message* from the Council by Mr *Walthoe*.

That

¹ Hening, VIII, p. 52.

⁴ *Ibid.*, VIII, p. 61.

⁷ *Ibid.*, VIII, p. 66.

⁹ *Ibid.*, VIII, p. 66.

² *Ibid.*, VIII, p. 47.

⁵ *Ibid.*, VIII, p. 54.

⁸ *Ibid.*, VIII, p. 49.

¹⁰ *Ibid.*, VIII, p. 49.

³ *Ibid.*, VIII, p. 57.

⁶ *Ibid.*, VIII, p. 63.

That they have agreed to the Bill entitled An Act¹ to vest certain entailed Lands in Robert Lewis, Gentleman, in Fee Simple, and for purchasing more convenient Lands to be settled in Lieu thereof. 215

Mr Attorney, from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration that Part of the Report of the Commissioners appointed by an Act of Assembly entitled *An Act² for appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned*, as relates to the Conduct and Services of Col. Adam Stephen therein named; also the Charge exhibited in Writing against the said Col. Stephen, and reflecting upon his Conduct, by Mr Thomas Rutherford, a Member of this House, to them referred; and having heard as well the said Mr Rutherford as Col. Stephen, and the Depositions of sundry Witnesses taken by Order of the House upon the Subject Matter of the said Charge, had agreed upon a Report, and come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, with some Amendments, as follow:

Your Committee beg Leave to inform the House that the Charge exhibited by Mr Rutherford against Col. Stephen consists of the following Articles, viz.

1st. That he had, by Persuasions, Orders, Threats, and Influences, prevented many Persons from joining as Volunteers in the Expedition commanded by Col. Bouquet against the Indian Towns the Ohio, &c. 216

2^d. That he had at several Times ordered the Militia in the actual Service of the Country out of this Colony, to the Forts Cumberland in Maryland, and Bedford in Pennsylvania, to escort Waggon and Pack-Horses, with Flower and Beeves, his own Property, in Compliance with his own private Engagements, &c. and that the drawing off the Militia at such particular Times rendered the several Garrisons from whence they were taken so weak that they were insufficient to protect the Frontiers from the Incursions of the Indians, who at that Season were daily expected, and did actually come down within the Settlements, and kill and carry away many of the Inhabitants. And

3^d. That he sent Waggon from the South Branch to Hite's Mill, near his own Plantation, for his own Flower, to supply the several Garrisons on the Frontiers, when the same might have been had much nearer, as cheap and as good.

As to the first Article of the said Charge, your Committee beg Leave to inform the House that it appears to them that Mr Rutherford having intimated to Col. Bouquet that in his Opinion a Number of Volunteers might be raised in this Colony, to join him in his intended Expedition against the Indians, Col. Bouquet, by Letter of the 18th of June 1764 to Mr Rutherford, expressed his Cheerful Acceptance of their Services, and promised to supply such Volunteers as would join him³ therein with Ammunition and Provisions, desiring his good Offices in promoting that Service, and advising that some of them would serve on Horseback, to join his Light Horse, and giving it as his Opinion that large Dogs might also be of Service to discover and pursue the Enemy: That Mr Rutherford, in Answer to this Letter, informed Col. Bouquet that he would write to the Governour to desire his Permission for a Number of the Militia then in Service on the Frontiers to enter themselves as Volunteers in the said Expedition; and that if the Governour should be averse to his Proposal, he would then exert all his Interest to procure a Number of Volunteers to go upon his Terms: That Col. Lewis commanded the Militia in Augusta; that he was a Gentleman of great Interest in that County, and had the Common Cause much at Heart; that a few Lines to him upon the Subject might not be amiss; and that Col. Stephen, who commanded the Militia in Frederick and Hampshire, might possibly look for the like Compliment; That soon after Mr Rutherford, in Company with Mr James Keith and others, laid Col. Bouquet's Letter to him before Col. Stephen, who expressed his Disapprobation of the intended Expedition; that he thought Col. Bouquet the most improper Person for that Command, and that he was convinced he would proceed no further than Pittsburg; that all he wanted was to make a Noise and Parade, and so the Matter would end; that the Colony was very capable of undertaking the Expedition 217 218

¹ Henning, VIII, p. 59.

² *Ibid.*, VIII, p. 9.

tion themselves, and that it was a Shame to give that Credit and Honour to Col. *Bouquet*, which we might reap ourselves; That Col. *Stephen* at other Times expressed his Dislike of the said intended Expedition in much the same Terms, and threatened some of the Officers and Soldiers under his Command that if they went out as Volunteers in the said Expedition they should be deprived of their Commissions, and should not receive any Pay for the Services they had done. On the other Hand, your Committee beg Leave to observe that many other Persons were examined (who were present at the Time it was said Col. *Stephen* attempted to dissuade People from entering as Volunteers in the said Expedition, particularly at the House of one *Robert Cunningham*, where one *James Chew*, who was a Lieutenant in Capt. *Morgan's* Company of Militia, and others, deposed that they heard him make Use of such Dissuasions and Threatenings) who declared that
 219 they did not hear Col. *Stephen* at that, or any other Time, attempt to discourage the Volunteer Scheme, or endeavour to dissuade any Person whatsoever, either by Threats or any other indirect Practices, from joining Col. *Bouquet* on his Expedition: And it further appears to your Committee that Col. *Stephen*, having received a Letter from his Honour the Governour of the 18th and 20th of *August* last, granting his Permission to all Persons that should think proper to join Col. *Bouquet* as Volunteers, on the Encouragement and Terms he should offer them, and directing him to second his Intentions as far as the Laws of the Colony would permit, Col. *Stephen* thereupon immediately sent circular Orders to the Officers of the Militia under his Command, at their different Posts, to encourage and promote the enlisting Volunteers for the said Expedition, and did use his best Endeavours in that Service: And therefore,

Resolved, That the said Col. *Stephen* has not fully acquitted himself of the first Article of the said Charge.

Your Committee then proceeded to examine the Evidence offered on both Sides, on the second Article of the said Charge, and beg Leave to inform the House that it appears to them that in the Year 1763 Col. *Stephen* having engaged with the Contractors for supplying the King's Forces with Provisions, to furnish them with a Quantity of
 220 Flower to be delivered at Forts *Cumberland* and *Bedford*, and a Number of Bees to be delivered at Fort *Bedford*, employed Parties of the Militia under his Command to escort them thither respectively, which was accordingly executed, and were a very seasonable supply to the Garrison at Fort *Bedford*, who were short of Provisions at the Time of their being sent there, and had pressed Col. *Stephen* very much to assist them; and that Col. *Stephen* paid the Expence of the Pasturage of the Cattle on their Way up himself.

It further appears to your Committee that in the Spring of the following Year Col. *Stephen* received a Letter from Capt. *Ourry*, Commandant at Fort *Bedford*, enclosing another from the above mentioned Contractors, in which they informed him that as he had not complied with his Contract, in delivering the Flower he had engaged at the Times agreed on, he could not take it hard if they did not receive it according to the Terms of the first Contract; but that they had, upon the Request of Col. *Bouquet*, come to a Determination to receive what he could deliver by the 4th of *June* at *Bedford*, or the 4th of *September* at *Pittsburg*, and allow him the Market Price: That Col. *Stephen* thereupon impressed a Number of Waggoners, and ordered out Parties of the Militia, stationed at several of the Forts and Posts in his Department, to escort them to Fort *Cumberland*, and
 221 gave out that they were to go no further: That they were there loaded with Flower belonging to Col. *Stephen*, which he had in Store at that Fort, and from thence proceeded to Fort *Bedford* under the same Escort, many of whom declared that they did not think themselves obliged to that Service, being out of the Colony, and threatened to return home, but were at length prevailed on by Col. *Stephen* to proceed: That Col. *Stephen* himself paid for the Waggonage of the Flower, and that they were about three Days engaged in that Service, and that Col. *Stephen* gave orders to escort any Persons carrying their Commodities to Fort *Bedford*.

It appears that during the Absence of these Parties from their Posts two Men were killed in the Neighbourhood of *Foreman's* Fort by the *Indians*, and some near *Winchester*; but that those Forts were not more weakened by those Draughts than they usually were upon sending out scouting Parties.

It further appears to your *Committee* that as well the Militia who were in actual Service at and about Fort *Cumberland*, as the Inhabitants who were driven from their Plantations by the *Indians*, and took Refuge there, were supplied with Provisions out of the King's Stores at that Fort.

Resolved, That Mr *Rutherford* had proved the second Article of the said Charge against Col. *Stephen*, and that he was guilty of a Breach of his Duty in sending out Escorts of the Militia under his Command in such Services. 222

Your *Committee* then proceeded to an Inquiry and Examination of the third and last Article of the said Charge, and beg Leave to inform the House that it appears to them that it being impracticable to procure Flower for the Use of the Militia stationed on and about the *South Branch* and *Patterson's* Creek, in that Neighbourhood, Col. *Stephen* impressed a Number of Waggon, and sent them to *Jacob Hite's* Mill, near his own Plantation, and one also to *John Hite's* Mill, where they took in as well as his own Flower as some he had purchased of other People, which was transported to those Ports for the Use of the Militia: It appears that *Jacob Hite's* Mill was about 19 Miles, and *John Hite's* 4 Miles, distant from *Winchester*; and that Flower might have been procured at a less Distance, but it does not appear that Col. *Stephen* knew it: And it appears to your Committee to have been the constant Tenour of Col. *Stephen's* Orders, to the Officers of the Militia under his Command, to procure Flower and other Provisions for their Men as near them, and with as little Expence to the Country, as they possibly could.

Resolved, That Col. *Stephen* hath acquitted himself of the third Article of the said Charge. 223

Resolved, That the said Col. *Stephen* ought to be allowed the Pay of a County Lieutenant only during the Time he was employed in the Service of the Country.

Resolved, That Col. *Adam Stephen* hath discharged his Duty (saving in the two Instances before mentioned) as a brave, active, and skilful Officer.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Resolved, That this House will again resolve itself into the said Committee on Monday next.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill For amending and declaring the Law concerning the Escape of Debtors out of the Prison Rules, and for other Purposes therein mentioned.

Resolved, That this House will resolve itself into the said Committee on Monday next.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill To enable Tenants in Taille to make Leases of their Lands.

Resolved, That this House will resolve itself into the said Committee on Monday next.

And then the House adjourned until Monday Morning 10 o'Clock.

Monday, the 17th of December, 5 Geo. III. 1764.

MR. *Edmund Pendleton*, from the Committee to whom it was referred to ascertain the Price of sundry Indian Goods belonging to the Publick, purchased by Mr *Israel Christian* without a Price agreed on, reported that the Committee had had the same under their Consideration, and had agreed upon a Report, and come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to, as follow:

It appears to your *Committee* that Mr *Christian* purchased of Mr *Thomas Walker* sundry Goods belonging to the Publick, amounting (as rated by us) to £136. 13. 9; after which Mr *Christian*, in his Way to the *Cherokee* Country, received from Capt. *William*

Ingles

Ingles some other *Indian* Goods belonging to the Publick, now valued to £65. 16. 3, but whether the last mentioned Goods were purchased, or taken by Mr *Christian* to be sold on Account of the Publick does not appear. It further appears that Part of the Goods were sold in the *Indian* Country; and as Mr *Christian* was returning home he was pursued by the *Indians*, and all his Effects taken from him and lost.

225 *Resolved*, That the said Mr *Christian* ought to pay to the Treasurer, for the Use of the Publick, the said £136. 13. 9 for the first mentioned Goods.

Resolved, That the Residue of the said Account ought to be referred to the Consideration of the next Session of Assembly.

An engrossed *Bill* entitled *An Act for appointing several new Ferries, and for other Purposes therein mentioned*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Attorney* do carry it up to the Council for their Concurrence.

A Message from the Council by Mr *Walthoe*.

That they have agreed to the Conference desired by this House upon the Subject Matter of the Address to his Majesty, and Memorials to the Lords and Commons, and have appointed three of their Members for that Purpose, who are now ready in the Conference Chamber to meet the Members of this House.

Ordered, That the Managers appointed by this House do immediately attend those of the Council in the Conference Chamber; and they accordingly withdrew.

An engrossed *Bill* entitled *An Act to dock the Entail of certain Lands whereof John Gregg is seized, and for settling other Lands and Slaves to be purchased in Lieu thereof to the same Uses*, was read the third Time.

Resolved, That the said *Bill* do pass.

226 *Ordered*, That Mr *Henry Lee* do carry up the said *Bill* to the Council for their Concurrence.

Mr *Attorney* reported that the Managers for this House had, according to Order, met those of the Council in the Conference Chamber, and delivered the Address and Memorials to them; which they received, and then withdrew.

The Order of the Day being read for the House to resolve itself into a Committee on the Bill For Amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Resolved, That this House will again resolve itself into a Committee on the said Bill on the 1st Day of May next.

A Message from the Council by Mr *Walthoe*.

That they desire an immediate Conference on the Subject Matter of the last Conference, in the Conference Chamber.

Ordered, That the Managers who were appointed to manage the first Conference do forthwith withdraw, and attend the Conference desired by the Council; and they withdrew accordingly.

227 The House, according to Order, resolved itself into a Committee on the Bill For amending and declaring the Law concerning the Escape of Debtors out of Prison Rules, and for other Purposes therein mentioned; and after some Time spent therein Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Bill under their further Consideration, and gone through the same, and had made several Amendments thereto, which they had directed him to report to the House.

Ordered, That the said Amendments be reported to the House Tomorrow.

Mr

Mr *Attorney* reported that the Managers for the House, had, according to Order, met the Managers for the Council in the Conference Chamber, who had acquainted them that the Council had considered the Address of the House to his Majesty, and approved of the same; and that they had likewise considered the two Memorials to the Lords and Commons, and had made several Amendments to them, to which they desire the Concurrence of this House.

The *Order* of the Day being read, the House immediately resolved itself into a Committee on the Bill To enable Tenants in Taille to make Leases of their Lands; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had gone through the said Bill, and had made several Amendments thereto; which he read in his Place, and then delivered in at the Table, where they were twice read, and agreed to.

Ordered, That the said Bill, with the Amendments, be engrossed, and read a third Time. 223

On a *Motion* made,

Ordered, That a Committee be appointed to examine and state the Accounts of the Expenses incurred by Mr *Rutherford* on his Information exhibited to this House against Col. *Adam Stephen*, and that it do consist of the following Persons, *viz.* Mr *Edmund Pendleton*, Mr *Fleming*, and Mr *Walker*.

An engrossed *Bill* entitled *An Act for giving a greater Reward for killing Wolves* was read the third Time, and the Blanks therein filled up; and the Question being put that the said Bill do pass,

It passed in the Negative.

Resolved, That the said Bill be rejected.

And then the House adjourned until Tomorrow Morning 10 o'Clock

Tuesday, the 18th of December, 5 Geo. III. 1764.

AN engrossed *Bill* entitled *An Act for making an equal Division of a Donation of one Matthew Godfrey, between the several Parishes in the County of Norfolk, for the Benefit of their Poor*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Bradley* do carry up the said Bill to the Council for their Concurrence.

On a *Motion* made, 229

Ordered, That Leave be given to bring in a Bill To amend an Act entitled *An Act for giving a Reward for killing Wolves*, and it is referred to Mr *James Mercer* to prepare and bring in the same.

On a *Motion* made,

Resolved, That the Clerk of the Publick Treasury be allowed the annual Salary of £300 for his Services in that Office.

Mr *Pendleton*, from the Committee to whom it was referred to examine and state an Account of the Expenses incurred by Mr *Rutherford* on his Information exhibited against Col. *Adam Stephen*, reported that they had had the same under their Consideration, and come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read and agreed to by the House, as follows:

Resolved, That Mr *Thomas Rutherford* be paid by the Publick the Sum of £41 for his Expenses in the Information against Col. *Adam Stephen*.

Ordered, That the said Resolve be engrossed, and that Mr *Edmund Pendleton* do carry it up to the Council for their Concurrence.

The

¹ Hening, VIII, p. 48.

² Not passed until Oct. 1765.

³ Hening, VI, p. 152.

The House took into Consideration the Amendments proposed by the Council to the Memorials to the Lords and Commons; and the same being read were agreed to, with an Amendment.

Ordered, That the Managers appointed by this House do go up with a Message to the Council to acquaint them therewith, and that this House do desire another Conference with them thereupon, and had appointed the same Managers for that Purpose as before.

A Message from the Council by Mr Walthoe.

That they have agreed to the Book of Claims.

Also that they have agreed to the Bill entitled An Act to dock the Entail of certain Lands whereof John Gregg is seized, and for settling other Lands and Slaves to be purchased in Lieu thereof to the same Uses.

Also to the Bill entitled An Act for making an equal Division of a Donation of one Matthew Godfrey between the several Parishes in the County of Norfolk, for the Benefit of their Poor.

Also to the Bill entitled An Act for appointing several new Ferries, and for other Purposes therein mentioned.

Also to a Resolve of this House For allowing Mr Aaron Miller the Sum of £30 for the Services therein mentioned.

And that a Petition of John Earnshaw, Gabriel Cay and Walter Hatton, addressed to the Governour and Council, had been read in Council, and was by them referred to the Consideration of this House.

Ordered, That Mr Cary do wait on his Honour the Governour with the Book of Claims, and desire his Assent thereto.

The House proceeded to the Consideration of the Petition of the said *Earnshaw, Cay, and Hatton*; and the same was read, setting forth that the Petitioner *John Earnshaw* is appointed Comptroller of his Majesty's Customs for the Upper District of *James River*, with a Salary of £30 Sterling *Per Annum*; that the Petitioner *Gabriel Cay* is appointed Comptroller of the Lower District of the said River, with a Salary of £50 Sterling *per Annum*; and your Petitioner *Walter Hatton* is appointed Comptroller of the District of *Accomack*, with a Salary of £40 Sterling *per Annum*; to be paid by the Commissioners of his Majesty's Customs in *London*: That the said Salaries are too small and inconsiderable for their Trouble in their said Offices, as well as insufficient for their Support and Maintenance; and praying that they may be allowed the same Fees on all Vessels trading to this Colony as are allowed by Law to the Collectors of his Majesty's Customs in this Colony, or such other Fees as shall be thought reasonable; or that their Salaries may be increased in such Manner as this House shall think fit. And the Question being put that the said Petition be referred to a Committee.

It passed in the Negative.

Resolved, That the said Petition be rejected.

A Message from the Council by Mr Walthoe.

That they have agreed to the Conference desired by this House, and that their Managers are now ready in the Conference Chamber.

Ordered, That the Managers appointed by this House do attend those appointed by the Council in the Conference Chamber; and they accordingly withdrew.

Mr Attorney, according to Order, reported that the Amendments proposed by the Committee of the whole House to the Bill For amending and declaring the Law concerning the Escape of Debtors out of the Prison Rules, and for other Purposes therein mentioned; and he read the same in his Place, and then delivered them in at the Table, where they were again twice read, and agreed to by the House.

Ordered,

¹ Not passed until Oct. 1765.

² Not passed until Oct. 1765.

³ Hening, VIII, p. 44.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

Mr Attorney reported that the Members of the Council and this House had met in the Conference Chamber, and that the Council had agreed to the Amendments proposed by this House to those made by the Council to the Memorials to the Lords and Commons.

Ordered, That the Committee of Correspondence do transmit fair Copies of the Address to his Majesty, and the Memorials to the Lords and Commons, to the Agent for this Colony, in Order to their being respectively presented; and that the same be inserted in the Journal of this House, as follow: 233

To the King's Most Excellent Majesty.

Most gracious Sovereign,

We your Majesty's dutiful and loyal Subjects, the Council and Burgeesses of your ancient Colony and Dominion of Virginia, now met in General Assembly, beg Leave to assure your Majesty of our firm and inviolable Attachment to your sacred Person and Government; and as your faithful Subjects here have at all Times been zealous to demonstrate this Truth, by a ready Compliance with the Royal Requisitions during the late War, by which a heavy and oppressive Debt of near Half a Million hath been incurred, so at this Time they implore Permission to approach the Throne with humble Confidence, and to intreat that your Majesty will be graciously pleased to protect your People of this Colony in the Enjoyment of their ancient and inestimable Right of being governed by such Laws respecting their internal Polity and Taxation as are derived from their own Consent, with the Approbation of their Sovereign or his Substitute: A Right which as Men, and Descendants of Britons, they have ever quietly possessed since first by Royal Permission and Encouragement they left the Mother Kingdom to extend its Commerce and Dominion. 234

Your Majesty's dutiful Subjects of Virginia most humbly and unanimously hope that this invaluable Birthright, descended to them from their Ancestors, and in which they have been protected by your Royal Predecessors, will not be suffered to receive an Injury under the Reign of your Sacred Majesty, already so illustriously distinguished by your gracious Attention to the Liberties of the People.

That your Majesty may long live to make Nations happy is the ardent Prayer of your faithful Subjects, the Council and Burgeesses of Virginia.

To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled:

The Memorial of the Council and Burgeesses of Virginia, now met in General Assembly,

Humbly represents,

That your Memorialists hope on Application to your Lordships, the fixed and hereditary Guardians of British Liberty, will not be thought improper at this Time, when Measures are proposed subversive, as they conceive, of that Freedom which all Men, especially those who derive their Constitution from Britain, have a Right to enjoy; and they flatter themselves that your Lordships will not look upon them as Objects so unworthy your Attention as to regard any Impropriety in the Form or Manner of their Application, for your Lordships Protection of their just and undoubted Rights as Britons. 235

It cannot be Presumption in your Memorialists to call themselves by this distinguished Name, since they are descended from Britons who left their native Country to extend its Territory and Dominion, and who happily for Britain, and as your Memorialists once thought for themselves too, effected this Purpose. As our Ancestors brought with them every Right and Privilege they could with Justice claim in their Mother Kingdom, their Descendants may conclude they cannot be deprived of those Rights without Injustice.

Your Memorialists conceive it to be a fundamental Principle of the British Constitution, without which Freedom can no Where exist, that the People are not subject to any Taxes but such as are laid on them by their own Consent, or by those who are legally appointed to represent them: Property must become too precarious for the Genius of a free People which can be taken from them at the Will of others, who cannot know what Taxes such People can bear, or the easiest Mode of raising them; and who are not under that Restraint, which

is

236 *is the greatest Security against a burthenfome Taxation, when the Representatives themselves must be affected by every Tax imposed on the People.*

Your Memorialists are therefore led into an humble Confidence that your Lordships will not think any Reason sufficient to support such a Power in the British Parliament, where the Colonies cannot be represented; a Power never before constitutionally assumed, and which if they have a Right to exercise on any Occasion must necessarily establish this melancholy Truth, that the Inhabitants of the Colonies are the Slaves of Britons, from whom they are descended, and from whom they might expect every Indulgence that the Obligations of Interest and Affection can entitle them to.

Your Memorialists have been invested with the Right of taxing their own People from the first Establishment of a regular Government in the Colony, and Requisitions have been constantly made to them by their Sovereigns on all Occasions when the Assistance of the Colony was thought necessary to preserve the British Interest in America; from whence they must conclude they cannot now be deprived of a Right they have so long enjoyed, and which they have never forfeited.

237 *The Expenses incurred during the last War, in Compliance with the Demands on this Colony by our late and present most gracious Sovereigns, have involved us in a Debt of near Half a Million; a Debt not likely to decrease under the continued Expense we are at in providing for the Security of the People against the Incursions of our savage Neighbours, at a Time when the low state of our Staple Commodity, the total Want of Specie, and the late Restrictions upon the Trade of the Colonies, render the Circumstances of the People extremely distressful, and which, if Taxes are accumulated upon them by the British Parliament, will make them truly deplorable.*

Your Memorialists cannot suggest to themselves any Reason why they should not still be trusted with the Property of their People, with whose Abilities, and the least burthenfome Mode of taxing (with great Deference to the superior Wisdom of Parliament) they must be best acquainted.

Your Memorialists hope they shall not be suspected of being actuated on this Occasion by any Principles but those of the purest Loyalty and Affection as they always endeavoured by their Conduct to demonstrate that they consider their Connexions with Great Britain, the Seat of Liberty, as their greatest Happiness.

238 *The Duty they owe to themselves and their Posterity lays your Memorialists under the Necessity of endeavouring to establish their Constitution upon its proper Foundation; and they do most humbly pray your Lordships to take this Subject into your Consideration with the Attention that is due to the Well being of the Colonies, on which the Prosperity of Great Britain does in a great Measure depend.*

To the Honourable the Knights, Citizens, and Burgeffes of Great Britain, in Parliament assembled:

The Remonstrance of the Council and Burgeffes of Virginia.

It appearing by the printed Votes of the House of Commons of Great Britain in Parliament assembled that in a Committee of the whole House, the 17th Day of March last, it was resolved that towards defending, protecting, and securing the British Colonies and Plantations in America, it may be proper to charge certain Stamp Duties in the said Colonies and Plantations; and it being apprehended that the same Subject, which was then declined, may be resumed and further pursued in a succeeding Session, the Council and Burgeffes of Virginia, met in General Assembly, judge it their indispensable Duty, in a respectful Manner, but with decent Firmness, to remonstrate against such a Measure, that at least a Cession of those Rights, which in their Opinion must be infringed by that Procedure, may not be inferred from their Silence, at so important a Crisis.

239 *They conceive it is essential to British Liberty that Laws imposing Taxes on the People ought not to be made without the Consent of Representatives chosen by themselves; who, at the same Time that they are acquainted with the Circumstances of their Constituents, sustain a Proportion of the Burthen laid on them. This Privilege, inherent in the Persons who discovered and settled these Regions, could not be renounced or forfeited by their Removal*
hither,

hither, not as Vagabonds or Fugitives, but licensed and encouraged by their Prince and animated with a laudable Desire of enlarging the British Dominion, and extending its Commerce: On the contrary, it was secured to them and their Descendents, with all other Rights and Immunities of British Subjects, by a Royal Charter, which hath been invariably recognised and confirmed by his Majesty and his Predecessors in their Commissions to the several Governours, granting a Power, and prescribing a Form of Legislation; according to which, Laws for the Administration of Justice, and for the Welfare and good Government of the Colony, have been hitherto enacted by the Governour, Council, and General Assembly, and to them Requisitions and Applications for Supplies have been directed by the Crown. As an Instance of the Opinion which former Sovereigns entertained of these Rights and Privileges, we beg Leave to refer to three Acts of the General Assembly passed in the 32^d Year of the Reign of King Charles II (one of which is entitled An Act for raising a Publick Revenue for the better Support of the Government of his Majesty's Colony of Virginia, imposing several Duties for that Purpose) which they thought absolutely necessary, were prepared in England, and sent over by their then Governour, the Lord Culpeper, to be passed by the General Assembly, with a full Power to give the Royal Assent thereto; and which were accordingly passed, after several Amendments were made to them here: Thus tender was his Majesty of the Rights of his American Subjects; and the Remonstrants do not discern by what Distinction they can be deprived of that sacred Birthright and most valuable Inheritance by their Fellow Subjects, nor with what Propriety they can be taxed or affected in their Estates by the Parliament, wherein they are not, and indeed cannot, constitutionally be represented.

And if it were proper for the Parliament to impose Taxes on the Colonies at all, which the Remonstrants take Leave to think would be inconsistent with the fundamental Principles of the Constitution, the Exercise of that Power at this Time would be ruinous to Virginia, who exerted herself in the late War it is feared beyond her Strength, insomuch that to redeem the Money granted for that Exigence her People are taxed for several Years to come: This, with the large Expenses incurred for defending the Frontiers against the restless Indians, who have infested her as much since the Peace as before, is so grievous that an Increase of the Burthen will be intolerable; especially as the People are very greatly distressed already from the Scarcity of circulating Cash amongst them, and from the little Value of their Staple at the British Markets.

And it is presumed that adding to that Load which the Colony now labours under will not be more oppressive to her People than destructive of the Interests of Great Britain: For the Plantation Trade, confined as it is to the Mother Country, hath been a principal Means of multiplying and enriching her Inhabitants; and, if not too much discouraged, may prove an inexhaustible Source of Treasure to the Nation. For Satisfaction in this Point, let the present State of the British Fleets and Trade be compared with what they were before the Settlement of the Colonies; and let it be considered that whilst Property in Land may be acquired on very easy Terms, in the vast uncultivated Territory of North America, the Colonists will be mostly, if not wholly, employed in Agriculture; whereby the Exportation of their Commodities of Great Britain, and the Consumption of their Manufactures supplied from thence, will be daily increasing. But this most desirable Connexion between Great Britain and her Colonies, supported by such a happy Intercourse of reciprocal Benefits as is continually advancing the Prosperity of both, must be interrupted, if the People of the latter, reduced to extreme Poverty, should be compelled to manufacture those Articles they have been hitherto furnished with from the former.

From these Considerations, it is hoped that the Honourable House of Commons will not prosecute a Measure which those who may suffer under it cannot but look upon as fitter for Exiles driven from their native Country after ignominiously forfeiting her Favours and Protection, than for the Prosperity of Britons who have at all Times been forward to demonstrate all due Reverence to the Mother Kingdom, and are so instrumental in promoting her Glory and Felicity; and that British Patriots will never consent to the Exercise of anticonstitutional Power, which even in this remote Corner may be dangerous in its Example to the interior Parts of the British Empire, and will certainly be detrimental to its Commerce.

A *Bill* For paying the Burgeffes Wages in Money for this present Session of Affembly was read a second Time; and an Amendment being made thereto, it was ordered to be engrossed and read a third Time.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Wednesday, the 19th of December, 5 Geo. III. 1764.

MR. Mercer presented to the House, according to Order, a Bill To amend an Act entitled *An Act for giving a Reward for killing Wolves*; and the same was read the first Time, and ordered to be read a second Time.

An engrossed *Bill* entitled *An Act to enable Tenants in Taille to make Leases of their Lands*, was read the third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr Edmund Pendleton do carry up the said Bill to the Council for their Concurrence.

On a *Motion* made,

Ordered, That all such Depositions as shall be taken, pursuant to several former Resolutions of the House, on the controverted Elections now undetermined, be returned to the House the 2^d Day of May next.

On a *Motion* made,

The *Bill* To amend an Act entitled *An Act for giving a Reward for killing Wolves* was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

244

An engrossed *Bill* entitled *An Act for paying the Burgeffes Wages in Money for this present Session of Affembly*, was read the third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr Henry Lee do carry up the said Bill to the Council for their Concurrence.

Ordered, That a Committee be appointed to examine the Treasurer's Accounts; and that it consist of the following Persons, viz. Mr Edmund Pendleton, Mr Bland, Mr John Page, Mr Dudley Digges, Mr Benjamin Harrison, Mr Cary, Mr Richard Henry Lee, and Mr Lewis Burwell, that they examine the several Articles thereof, and report the Balance as it shall appear to them to the House.

Ordered, That a Committee be appointed to examine the enrolled Bills, and that it consist of the following Persons, viz. Mr Lemuel Riddick, Mr Henry Lee, Mr William Cabell, Mr James Mercer, Mr John Pendleton, and Mr Adams.

Ordered, That a Committee be appointed to proportion the publick Levy, and that it consist of the following Persons, viz. Mr Cary, Mr Walker, Mr Upshaw, Mr Wager, Mr Fleming, and Mr Read.

Mr Cary, from the Committee appointed, reported that they had, according to Order, examined into the Condition of the Publick Gaol, and had found the same much out of Repair.

On a *Motion* made,

Ordered, That a Committee be appointed of the following Persons, viz. Mr Attorney, Mr Wythe, Mr Randolph, Mr Waller, and Mr Everard to agree with Workmen to repair the same.

A *Bill* For the Relief of Parishes from such Charges as may arise from Bastard Children born within the same, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A *Bill* To prevent the Practice of selling Persons for Slaves that are not so, was read a second Time, and committed to the Committee of Propositions and Grievances.

A

¹ Hening, VI, p. 152.

³ Hening, VI, p. 152.

⁴ Not in Hening.

² Not Passed until Oct. 1765.

A *Bill* For the Prefervation of the Breed of Sheep, was read a second Time.

Ordered, That the said *Bill* be engrossed, and read a third Time.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Thursday, the 20th of December, 5 Geo. III. 1764.

ON a *Motion* made,

Ordered, That the Committee of Claims be discharged from bringing in a *Bill* For Settlement of Militia Accounts by Commissioners in the Country.

246

An engrossed *Bill* entitled *An Act for Relief of Parishes from such Charges as may arise from Bastard Children born within the same*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Bland* do carry up the said *Bill* to the Council for their Concurrence.

An engrossed *Bill*, entitled, *An Act for amending and declaring the Law concerning the Escape of Debtors out of the Prison Rules, and for other Purposes therein mentioned*, was read the third Time.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Attorney* do carry up the said *Bill* to the Council for their Concurrence.

An engrossed *Bill* entitled *An Act to amend an Act entitled An Act for giving a Reward for killing Wolves*, was read the third Time.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Mercer* do carry up the said *Bill* to the Council for their Concurrence.

Mr *Cary* reported that the Committee appointed had, according to Order, settled the Proportion of the County Levy, and stated the same in a Book; which he delivered in at the Table, where it was read, and agreed to by the House.

Ordered, That Mr *Cary* do carry up the said Book to the Council for their Concurrence.

247

Mr *Attorney*, from the Committee to whom the Representation of *George Pitt*, Keeper of the publick Magazine in the City of *Williamsburg* was referred, reported that they had examined into the State of the said Magazine, and the publick military Stores contained therein, and had agreed to the following Report thereupon.

It appears to your Committee that there are now in the said Magazine two Brass Cannon and two Brass Mortars, which are useless; also about 13,000 lbs. of Gunpowder, which is old, and the Barrels decayed and in bad Order; also a Quantity of Soldiers Clothes, Hats, and Shoes, which at the present are of little Use, and will be entirely ruined if they remain there: That there are also 102 Tents, which are old and useless; and 14 new Ones, which may be of Service: That there are also two Hogheads of Cantins and Tin Kettles, one Tierce of Leather Shot Bags, and another of Canvas Knapfacks, and a Quantity of Leather Belts and Slings, old Drums and Drum Rims, which are useless; and a Number of Cartouch Boxes, in very bad Order: That there are also upwards of 500 old Firelocks and Barrels, which might be repaired at 12s. 6d. each, but are not worth the Expence; and there is a Tub of Gun Flints, which may be reserved for Use.

248

On a *Motion* made,

Ordered, That a *Bill*, or Bills, be brought in For the Sale of the useless military Stores in the Magazine, and it is referred to Mr *Attorney* to prepare and bring in the same.

An engrossed *Bill* entitled *An Act for the Preservation of the Breed of Sheep*, was read the third Time, and the Questions being put that the said *Bill* do pass.

It

¹ Not passed until Nov. 1769.

² Not passed until Oct. 1765.

³ Hening, VIII, p. 48.

⁴ Not recorded as a law.

It passed in the Negative.

Resolved, That the said Bill be rejected.

A Message from the Council by Mr *Walthoe*.

That they have agreed to the Book of Proportions.

Also to the Resolve For paying Mr Thomas Rutherford the Sum of Money therein mentioned.

Ordered, That Leave be given to bring in a Bill For raising a Publick Levy, which was read the first Time, and ordered to be read a second Time.

The House being informed that Mr *Proffer*, one of the Members of this House, hath been guilty of fundry unjust and fraudulent Practices in antedating and advising, directing and assisting, in the antedating fundry Deeds and other Conveyances, with Inten-
 249 tion to prejudice the Estates and Interest of others, and knowingly setting up several such Deeds and Conveyances as fairly and *bona fide* made and executed, and in claiming under the same, either for himself or the Persons for whom he acted, a Right and Interest in the Estates thereby conveyed, by which Creditors and Purchases have been or are likely to be involved in Troubles and Disputes: That the said Mr *Proffer* having preferred a Petition to the County Court of *Cumberland* for Leave to build a Mill on *Fine* Creek in the said County, and for an Acre of Land of one *John Pleasants* for that Purpose, and having obtained an Order for a Jury to value the said Acre and Damages, in Order to pack a Jury did send or cause to be sent to several Freeholders of the said County written Summonses, signed with the Name of the then High Sheriff of the said County, and that without the Knowledge, Privity, or Consent, of the said Sheriff whereby such Freeholders were commanded or required to attend at a certain Day and Place therein mentioned to serve on the said Jury.

Ordered, That the said Information be referred to the Consideration of the Committee of Privileges and Election; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

250 On a Motion made,

A Bill For raising a Publick Levy was read the second Time, and committed to a Committee of the whole House immediately.

The House accordingly resolved itself into a Committee on the said Bill; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that they had had the said Bill under their Consideration, but not having Time to go through the same, they had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into the said Committee on the said Bill To morrow.

Ordered, That the Chaplain attend to read Prayers every Morning at 9 o'Clock.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Friday, the 21st of December, 5 Geo. III. 1764.

THE House, according to Order, resolved itself into a Committee to take under their further Consideration the Bill For raising a Publick Levy; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported
 251 that they had gone through the said Bill, and had made several Amendments thereto; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill, with the Amendments, be engrossed, and read a third Time.

An engrossed Bill, entitled *An Act for raising a Publick Levy*, was read the third Time, and the Blanks therein filled up.

Resolved

Resolved, That the said Bill do pass.

Ordered, That Mr Cary do carry up the said Bill to the Council for their Concurrence.

A Message from the Council by Mr Walthoe.

That they have agreed to the Bill entitled An Act¹ to enable Tenants in Taille to make Leafes of their Lands, with some Amendments, to which they desire the Concurrence of this House.

Also to the Bill entitled An Act² to amend an Act entitled An Act for giving a Reward for killing Wolves, without any Amendments.

Also to the Refolve For paying the Printer's Salary.

Mr Bland, from the Committee of Privileges and Elections, reported that they had had under their Consideration the Information exhibited to this House against Mr Thomas Proffer, to them referred, and had come to two Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the said Mr Thomas Proffer be at Liberty to examine and take the Depositions of such Witnesses as shall be either unable to attend this Committee or are going out of the Colony, before any two Justices of the Peace of the County of Cumberland, touching the Subject Matter of the said Information, and that he give reasonable Notice of the Time and Place of taking such Examinations to Mr Archibald Cary; and that the Justices before whom they shall be taken return the same to this House on or before Thursday the 2^d Day of May next, being the Day appointed for hearing the said Information before this Committee.

Resolved, That the further Consideration of the said Information be referred to the said 2^d Day of May next.

A Message from the Council was delivered by Mr Walthoe.

That they have agreed to the Bill For raising a Publick Levy.

Mr Lemuel Riddick reported that the Committee appointed had, according to Order, examined the enrolled Bills and Resolves, and rectified such Mistakes as were found therein; and that they were truly enrolled.

Ordered, That Mr Lemuel Riddick do carry them up to the Council for their Inspection. 253

A Message from the Council by Mr Walthoe.

That they have inspected the enrolled Bills and Resolves, and are satisfied they are truly enrolled.

A Message from the Governour by Mr Walthoe.

Mr Speaker.

The Governour commands the immediate Attendance of your House in the Council Chamber, and that you bring with you such Bills and Resolves as are ready for his Assent.

Mr Speaker with the House went up accordingly, and his Honour the Governour was pleased to give his Assent to the following publick and private Acts.

1. An Act³ for further continuing the Act for reducing the several Acts for making Provision against Invasions and Insurrections into one Act.

2.⁴ For further continuing an Act entitled An Act for reducing the several Acts made for laying a Duty on Liquors into one Act.

3.⁵ For raising a Publick Levy, and for other Purposes therein mentioned.

4.⁶ For dividing the County of Lunenburg into three distinct Counties.

5.⁷ For dividing the Parish of Truro, in the County of Fairfax.

6.⁸ For appointing several new Ferries, and for other Purposes therein mentioned.

7.⁹ An Act for altering the Court Days of the Counties of Fauquier, Loudoun, Louisa, and Fairfax.

To

¹ Not passed until Oct. 1765.

² Hening., VIII, p. 48.

³ Ibid., VIII, p. 37.

⁴ Ibid., VIII, p. 38.

⁵ Ibid., VIII, p. 38.

⁶ Ibid., VIII, p. 41.

⁷ Ibid., VIII, p. 43.

⁸ Ibid., VIII, p. 44.

⁹ Ibid., VIII, p. 47.

8. ¹To amend an Act entitled An Act for giving a Reward for killing Wolves.

9. ²For establishing the Landing Place from Frazer's Ferry at the Causey opposite thereto.

10. ³For encouraging the Settlement of the Towns of Alexandria and Falmouth, and for other Purposes therein mentioned.

11. ⁴For exempting the Inhabitants of Elizabeth City County, and also the Ministers and other Parishioners of Suffolk in Nanfemond, and of Antrim Parish in Halifax, from the Payment of Ferriage, and for other Purposes therein mentioned.

12. ⁵To vest certain entailed Lands therein mentioned in John Syme, Esq; and others, in Fee Simple, and for settling other Lands and Slaves in Lieu thereof.

13. ⁶To dock the Entail of certain Lands whereof Richard Todd is seized, and for settling other Lands and Slaves in Lieu thereof.

14. ⁷To vest certain entailed Lands in Robert Lewis, Gentleman, in Fee Simple, and for purchasing more convenient Lands to be settled in Lieu thereof.

255 15. ⁸To vest certain entailed Lands whereof William Cary is seized in Allen Jones in Fee Simple, and for settling other Lands and Slaves to be purchased in Lieu thereof to the same Uses.

16. ⁹For vesting the absolute Property of certain Slaves therein named in George Heal, Gentleman, and for settling three certain Tracts of Land therein mentioned on the said George Heal in Lieu of the said Slaves.

17. ¹⁰To dock the Entail of 1800 Acres of Land in the Parish of Albemarle, in the County of Suffex, whereof Nathaniel Harrison the Younger is seized in Fee Taille, and for vesting the same in Trustees in Fee Simple for the Uses therein mentioned.

Mr Speaker being returned reported that he with the House had attended the Governour in the Council Chamber, where his Honour had given his Assent to such Bills and Resolves as were ready, and was then pleased to signify to the House of Burgeesses, that, upon considering the Season of the Year, and the long Time they had sat, he judged a Recess would be agreeable; and that, unwilling to impede the Business of the Session by a Prorogation, he thought it expedient to direct them to adjourn themselves to the 1st of May next.

Ordered, That the House be adjourned to the 1st Day of May next.

¹ Hening, VIII, p. 48.

⁴ Ibid., VIII, p. 52.

⁷ Ibid., VIII, p. 59.

⁹ Ibid., VIII, p. 63.

² Ibid., VIII, p. 49.

⁵ Ibid., VIII, p. 54.

⁸ Ibid., VIII, p. 61.

¹⁰ Ibid., VIII, p. 66.

³ Ibid., VIII, p. 49.

⁶ Ibid., VII, p. 57



JOURNAL

of the

HOUSE OF BURGESSES

1765

Burgeffes.

Accomac	Thomas Parramore *Southey Simpfon	Hanover	James Littlepage *John Syme
Albemarle	Thomas Walker Henry Fry	Henrico	*Bowler Cocke *Philip Mayo
Amelia	*Thomas Tabb	Isle of Wight	*James Bridger *Dolphin Drew
Amherft	*William Cabell *Cornelius Thomas	James City	Lewis Burwell Philip Johnfon
Augufta	Ifrael Chriftian John Wilfon	Jameftown	Edward Champion Travis
Bedford	*William Callaway *John Talbot	King & Queen	John Robinfon John Pendleton
Brunfwick	*William Thornton *Ifaac Rowe Walton	King George	*Charles Carter *William Champe
Buckingham	*Robert Bolling, Jr. *Jofeph Cabell	King William	Bernard Moore Carter Braxton
Caroline	*John Baylor Edmund Pendleton	Lancafter	*Charles Carter *Richard Mitchell
Charles City	Benjamin Harrifon William Kennon	Loudoun	Francis Lightfoot Lee James Hamilton
Charlotte	*Paul Carrington Clement Reade	Louifa	*Thomas Johnfon Patrick Henry, Jr.
Chefterfield	Archibald Cary Seth Ward	Lunenburg	*Henry Blaggrave William Taylor
The College	*Mann Page	Mecklenburg	*Edmund Taylor Robert Munford
Culpeper	John Field James Barbour	Middlefex	*John Smith *Gawin Corbin
Cumberland	John Fleming George Carrington	Nanfemond	Willis Riddick Lemuel Riddick
Dinwiddie	*Robert Bolling *Leonard Claiborne, Jr.	New Kent	*Burwell Baffett *Richard Adams
Elizabeth City	George Wythe *William Wager	Norfolk	William Bradley *Thomas Veal
Effex	John Lee John Upfhaw	Norfolk Borough	*Jofeph Hutchings
Fairfax	George Johnfton John Weft	Northampton	John Harmanfon Thomas Dalby
Fauquier	Thomas Harrifon Thomas Marfhall	Northumberland	*Richard Hull *Spencer Ball
Frederick	*George Wafhington *George Mercer	Orange	James Taylor James Walker
Gloucefter	*Thomas Whiting *John Page	Prince Edward	*Peter Legrand *Abner Nafh
Goochland	*John Payne Jofias Payne	Prince George	Richard Bland Richard Bland, Jr.
Halifax	*Edward Booker *Walter Coles	Prince William	*John Baylis Henry Lee
Hampfhire	James Mercer Thomas Rutherford	Princefs Anne	*Edward Hack Mofeley Anthony Walke

*Not fhown by the Journal to have been prefent during the Affembly.

Richmond	John Woodbridge Landon Carter	Surry	Hartwell Cocke William Bailey
Southampton	Joseph Gray *Benjamin Symmons	Suffex	David Mafon *John Edmunds
Spotfylvania	*Fielding Lewis *William Johnfton	Westmoreland	*Richard Henry Lee Richard Lee
Stafford	William Fitzhugh Thomas L. Lee	Williamsburg York	Peyton Randolph Dudley Digges Thomas Nelson, Jr.

*Not shown by the Journal to have been present during the Affembly.

Changes in the Perfonnel, 1765.

Amelia	Robert Munford fucceeded David Greenhill
Cumberland	George Carrington fucceeded Thomas Proffer
Halifax	Walter Coles fucceeded Nathaniel Terry
Louifa	Patrick Henry fucceeded William Johnfon

JOURNAL

of the

HOUSE OF BURGESSES

Wednesday, the 1st of May, 5 Geo. III. 1765.

THE House this Day met, according to their Adjournment.

Ordered, That an Address be made to the Governour, to order a new Writ to issue for electing a Burgesses to serve in this present General Assembly for the County of *Chesterfield*, in the Room of Mr *Richard Eppes*, deceased; and that Mr *Cary* do wait on his Honour with the said Address.

Ordered, That an Address be made to the Governour, to order a new Writ to issue for electing a Burgesses to serve in this Present General Assembly for the County of *Amelia*, in the Room of Mr *Greenhill*, who hath accepted of the Office of Sheriff of the said County; and that Mr *Cary* do wait on his Honour with the said Address.

Ordered, That an Address be made to the Governour, to order a new Writ to issue for electing a Burgesses to serve in this present General Assembly for the County of *Lunenburg*, in the Room of Mr *Clement Read*, who hath accepted of the Office of Coroner of the said County; and that Mr *Cary* do wait on his Honour with the said Address.

Ordered, That an Address be made to the Governour, to order a new Writ to issue for electing a Burgesses to serve in this present General Assembly for the County of *Louisa*, in the Room of Mr *William Johnston*, who hath accepted of the Office of Coroner of the said County; and that Mr *James Littlepage* do wait on his Honour with the said Address.

The *Order* of the Day being read for the House again to resolve itself into a Committee on the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Resolved, That this House will resolve itself into a Committee on the said Bill on *Friday* next.

Ordered, That the Chaplain of this House do attend to read Prayers every Morning at 9 o'Clock.

A *Petition* of *Peterfield Trent*, praying Leave to withdraw his Petition complaining of of an undue Election and return of Mr *Henry Fry* to serve as a Burgesses in this present General Assembly for the County of *Albemarle*, was presented to the House and read.

Ordered, That the said *Peterfield Trent*, have Leave to withdraw his said Petition, and that the Committee of Privileges and Elections be discharged from proceeding any further therein.

Sundry *Petitions* from the Counties of *Chesterfield*, *Amelia*, *Dinwiddie*, *Lunenburg*, *Prince Edward*, and *Halifax*, praying that another Inspection of Tobacco may be established in, near, or adjoining the Town of *Gateville*, in the County of *Chesterfield*, were presented to the House and read.

Ordered, That the said Petition do lie on the Table.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Thursday

Thursday, the 2nd of May. 5 Geo. III. 1765.

A *Petition of Thomas Roy, Proprietor of the Warehouses called Roy's, and of fundry Traders on Rappahannock River, in Opposition to a Petition of Paul Micou's, and fundry other Persons, for establishing a new Inspection on the Land of the said Micou, in Effex County, was presented to the House and read.*

Ordered, That the said Petition do lie on the Table.

A *Petition of fundry Merchants, complaining of the Hardships and Inconveniences they lie under for Want of some better Method for proving Book Debts than the Law at present allows, and praying that the Time allowed for such Proof may be extended, and the Method for proving such Debts altered, and also that Sheriffs and other Officers may be subject to Damages for refusing or neglecting to pay Money received by them on Executions, was presented to the House and read.*

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Petition of Michael Christian and Robert Clark Jacob, praying to be exempted from paying the Duty on the Importation of 26 Hoghead of Rum which was accidentally destroyed by Fire, was presented to the House and read.*

Ordered, That the said Petition be referred to Mr Bland, Mr Riddick, and Mr Cary; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Petition of fundry Freeholders and Inhabitants of the County of Amherst, complaining of the Hardships and Inconveniences they lie under by the present tedious and expensive Method of prosecuting Suits in the County Courts, and praying that quarterly Courts may be established in the said County, was presented to the House and read.*

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Bill For allowing the full Fees to which the Lawyers practising in the several Courts of this Colony are entitled, in particular Cafes therein mentioned, to be taxed, upon Recovery, in the Bill of Costs, was read a second Time, and committed to the Committee for Courts of Justice.*

A *Petition of Thomas Shepherd, praying that a Ferry may be established from his Land in the Town of Mecklenburg, in the County of Frederick, over the River Potowmack, to his opposite Land in the Province of Maryland, was presented to the House and read.*

Ordered, That the said Petition be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Bill For further continuing the Act¹ entitled An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned, was read a second Time, and committed to Mr Pendleton, Mr Fleming, and Mr Bland.*

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Friday, the 3rd of May. 5 Geo. III. 1765.

A *Petition of John Watts and William Young, Inspectors at Jordan's Warehouses, setting forth that in the Month of March last one of the Warehouses under their Care was broke open, and two Hogheads of Tobacco stolen out of the same, though the said Warehouse was well secured by them, and praying that the Value of the said Tobacco may be paid them by the Publick, was presented to the House and read.*

Ordered

¹ Hening, V, p, 326.

5 *Ordered*, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

The *Order* of the Day being read for the House to again resolve itself into a Committee on the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Resolved, That this House will resolve itself into a Committee on the said Bill on *Wednesday* next.

A Bill For amending the Act entitled *An Act for directing the Trial of Slaves committing capital Crimes, and for the more effectual punishing Conspiracies and Insurrections of them, and for the better Government of Negroes, Mulattoes, and Indians, bond or free*, was read a second Time, and ordered to be committed to a Committee of the whole House.

Resolved, That this House will resolve itself into a Committee on the said Bill on *Wednesday* next.

Ordered, That an Address be made to the Governour to order a new Writ to issue, for electing a Burgesses to serve in this present General Assembly for the County of *Halifax* in the Room of Mr *Terry*, who hath accepted of the Office of Sheriff of the said County; and that Mr *Littlepage* do wait on his Honour with the said Address.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Saturday. the 4th of May. 5 Geo. III. 1765.

MR *Bland*, from the Committee of Privileges and Elections, reported that the said Committee had had under their further Consideration the Information exhibited to the House on the 20th Day of *December* last, and referred to this Day to be examined into, against Mr *Thomas Proffer*, one of the Members of the House; and having examined divers Witnesses, and inspected several Papers laid before the Committee touching the said Information, and heard the said Mr *Proffer*, have agreed upon a Report, and come to a Resolution thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Your Committee beg Leave to observe that the said Information contains two distinct Charges against the said Mr *Proffer*.

1st. That he hath been guilty of antedating, and advising, directing, and assisting in the antedating, fundry Deeds and other Conveyances, with Intention to prejudice the Estates and Interest of others, and knowingly setting up several such Deeds and Conveyances as fairly and *bona fide* made and executed, and in claiming under the same, either for himself, or the Persons for whom he acted, a Right and Interest in the Estates thereby conveyed, by which Creditors and Purchasers have been, or are likely to be, involved in Troubles and Disputes.

2^d. That the said Mr *Proffer* having preferred a Petition to the County Court of *Cumberland*, for Leave to build a Mill on *Fine* Creek in the said County, and for an Acre of Land of one *John Pleasants* for that Purpose, and having obtained an Order for a Jury to value the said Acre and Damages, in Order to pack a Jury did send, or cause to be sent, to several Freeholders of the said County written Summonses, signed with the Name of the then High Sheriff of the said County, and that without the Knowledge, 6 Privity, or Consent of the said Sheriff, whereby such Freeholders were commanded or required to attend at a certain Day and Place therein mentioned to serve on the said Jury.

With Respect to the first Charge against the said Mr *Proffer*, your Committee beg
Leave

Leave to inform the House that an original Deed was laid before the Committee, produced by Mr *Proffer* himself, when called upon for it, bearing Date the 30th Day of *August* 1759, appearing to be an Indenture or Bargain and Sale between *Renne Laforce* of the County of *Goochland*, of the one Part, and the said Mr *Proffer*, of the other Part, whereby the said *Renne Laforce*, for the Consideration of £20 current Money, said to be in Hand paid by Mr *Proffer*, conveyed to him a Tract of Land containing about 240 Acres, lying on the fourth Side of *James River*, in the said County of *Cumberland*, being a Part of a Patent granted to the said *Renne Laforce*, and bounded by the Lines of *John Baughan* and others therein named; which Deed the said Mr *Proffer* denied before your Committee he had wrote himself, and it appears to be subscribed with the Names of *Robert Cothron*, *Samuel Laforce*, *Robert Mosby*, *James Holman*, *Matthew Martin* (who made his Mark) and *Anthony Martin*, as Witnesses thereto; and a Receipt also appears endorsed thereon for the Consideration Money, signed by the said *Laforce*, and subscribed by the same Witnesses; and by a Certificate of the Clerk of the said County, it appears to have been proved in Court, by two of the subscribing Witnesses, the 24th Day of *March* 1760.

Your Committee then proceeded to examine several Witnesses, concerning the said Deed; and it appears to them, from the Testimony of *Samuel Flourney*, that in the latter End of the Year 1759, or the Beginning of the Year 1760, he saw the said *Laforce*, who was inquiring the Way to Mr *Proffer's*, and that the said *Laforce* then informed him that one *Thomas Turpin* had entered a Petition against him for a Piece of his Land, and at the same Time asked the said *Flourney* if he would buy it, saying he should have it for a Trifle, rather than that *Turpin* should get it, which the said *Flourney* refused, especially as there was a Lawsuit depending about it. The said *Flourney* then deposed that having afterwards heard that Mr *Proffer* had bought the said Land, he asked him about it, and he said he had bought it, and had a Deed for it some Months before; and that Mr *Proffer* afterwards showed him a Note or Certificate which was the Hand Writing of Mr *Proffer*, but signed by the said *Laforce*, the Purport of which was to inform him that he had not offered to sell him the Land petitioned for by *Turpin*, but another Piece adjoining it, which it appears the said *Laforce* had some Time before sold to one *John Baughan*. The said *Flourney* then declared he had not before that Time heard of the Petition entered by the said *Turpin*.

It appears from the Evidence of the above named *Thomas Turpin* that he entered his Petition against the said *Laforce* for the Land above mentioned, and which is the same Land conveyed by the said *Laforce* to Mr *Proffer* by the Deed above mentioned, in the Month of *October* 1759; but he declared he had not mentioned his said Petition to Mr *Proffer* until after he had heard he had purchased the Land, and that he believes Mr *Proffer* never interfered in the said Petition, which is now depending in the General Court.

It appears from the Evidence of *Anthony Martin*, one of the subscribing Witnesses to the said Deed, that he was desired both by the said *Laforce* and Mr *Proffer* to witness the same, which he accordingly did, and the said *Laforce* acknowledged it to be his Act and Deed, and appeared to him to have been executed, and subscribed by other Witnesses before, but he does not remember when it was he witnessed the said Deed; that he had not heard of the said *Turpin's* Petition at that Time, and that he lives within 7 three or four Miles of Mr *Proffer*, *Turpin* and *Flourney*.

It further appears to your Committee from the Testimony of *Robert Cawthron*, whose Name is subscribed as a Witness to the said Deed, though it is not there spelt as he is used to write his Name, and which he did before the Committee in a different Manner from that in which it appears to be subscribed to the said Deed, that about three Years ago the said *Laforce* had called at his House, and told him that *Turpin* had entered for a Tract of Land of his in *Cumberland*, which he was afraid he should lose, but that he had been to Mr *Proffer's*, and he believed they had contrived a Way to save it; for that he had given Mr *Proffer* a Deed for it, which bore Date before the Petition, and that he had taken the Liberty to put his the said *Cawthron's* Name to it as a Witness, and desired him not to deny his having witnessed such a Deed if he should be asked about
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it by Mr *Turpin* or any one else. The said *Cawthron* further depofed that the faid *Laforce* afterwards produced to him a Paper, which he took to be a Deed, and believed it was a Copy of the former Deed, made by one *Holdman*, which the faid *Laforce* defired him to fee him fign, and witnefs it himfelf, that he might have it to fay he had witneffed fuch a Deed. That Mr *Proffer* was not prefent when thefe Things paffed between him and *Laforce*, but that he believes he has heard Mr *Proffer* fay he was privy to thefe Tranfactions, and that they were done to avoid the faid *Turpin's* Petition.

It likewife appeared to your *Committee*, from the Teftimony of *Littlebury Mofby*, that Mr *Proffer* told him that *Robert Mofby*, one of the fubfcribing Witneffes to the faid *Laforce's* Deed, was his Relation, to which the faid *Littlebury Mofby* answered, he believed he had been dead too long to have been a Witnefs to the faid Deed.

Mr *James Littlepage* alfo declared before your *Committee* that Mr *Proffer* told him that the faid *Robert Mofby*, the Witnefs to the faid Deed, was the Son of *Robert Mofby* deceased, but that he was not prefent at the Execution of the faid Deed.

Mr *George Carrington* then depofed that he believes that the faid *Laforce's* Deed to Mr *Proffer* to be Mr *Proffer's* Writing, and the Name *Robert Mofby* thereto fubfcribed alfo.

Mr *James Lyle* depofed that he believes the faid Deed to be Mr *Proffer's* Writing, but not the Name *Robert Mofby* thereto fubfcribed, as they do not appear to him to be the fame Writing, but that Mr *Proffer's* Name in the Receipt endorsed thereon is his proper Hand Writing. Mr *Lyle* further declared that he has had confiderable Dealings with Mr *Proffer*, and had no Reason to fufpect him of Difhonefty.

Mr *Alexander M'Caul* alfo depofed that though he was but little acquainted with Mr *Proffer's* Hand Writing, yet he believes his Name in the Receipt on the faid Deed in his proper Writing.

A *Certificate* from the Deputy Clerk of the County Court of *Henrico* was then produced to your *Committee*, from which it appears that on the 4th Day of *December* 1758, on the Motion of *Mary Mofby*, Adminiftration of the Eftate of her deceased Hufband *Robert Mofby* was in due Form granted to her by the faid Court, which faid *Robert Mofby* is the fame Perfon whole Name is fubfcribed as a Witnefs to the faid Deed.

It further appeared to your *Committee*, from the Evidence of Mr *John Scott*, that Mr *Proffer* fome Time ago (but he does not remember when) went to his Houfe, and asked him if he could contrive Notice to *Laforce* that *Turpin* intended to Petition for his Land, adding that it would be doing a good Aft to fave the poor Man's Land.

It alfo appeared to your *Committee*, from comparing the faid *Laforce's* Deed with other Writings of Mr *Proffer's*, to be his proper Hand Writing, as alfo the Name *Robert Mofby* thereto fubfcribed.

Another Inftrument of Writing was then produced, and laid before your *Committee*, which appears to be a Bill of Sale from one *Robert Hughes* of the faid County of *Cumberland* to the faid Mr *Proffer*, whereby for the Confideration of £120 current Money, faid to be in Hand paid by Mr *Proffer*, the faid *Hughes* fold him one Negro Man named *Joe*, and one Negro Girl named *Jenny*, and her future Increafe, as alfo fundry Horfes, Cattle, and Sheep, and a Quantity of Houfehold Furniture; that it bears Date the 1st Day of *January* 1763, and was acknowledged by the faid *Hughes* in *Cumberland* Court the 24th Day of *October* in the fame Year.

Your *Committee* then proceeded, in like Manner, to examine Witneffes concerning the faid Bill of Sale, and beg Leave to inform the Houfe that the above named *Littlebury Mofby*, who was then Sheriff of the faid County of *Cumberland*, depofed that a few Days before the Court when the faid Bill of Sale was produced he had taken the faid *Hughes* into Cuftody, upon an Execution, at the Suit of one *Alexander Stewart*: That the faid *Hughes* gave fecurity for the Liberty of the Prifon Rules: That while he was fo in Cuftody Mr *John Pleafants*, to whom the faid *Hughes* was likewife indebted, applied to him the faid *Mofby*, and told him that *Hughes* had promifed to give him a Bill of Sale to fecure his Debt; that he would fend one to him the next Court, and defired him to get *Hughes* to fign it, or otherwife to iffue a Writ againft him: That on the fucceeding

to

Court Day he saw Mr *Proffer* and the said *Hughes* go up Stairs in the Court House together; that he followed them and found that *Hughes* had just signed a Paper, and delivered it to Mr *Proffer*: That he then produced to *Hughes* the Bill of Sale Mr *Pleasants* had sent him, and desired him to sign it, which *Hughes* refused to do, saying he had otherwise disposed of his affairs: That Mr *Proffer* and the said *Hughes* then went down into Court, when the said *Hughes* acknowledged the said Bill of Sale: That in the Evening of the same Day Mr *Proffer* went to the Deponent and told him *Hughes* was gone home, at which being greatly surprised, Mr *Proffer* took him aside and desired him not to be uneasy, told him he should not suffer by *Hughes's* going out of the Bounds, he would secure him from all Damages, and would send him a discharge from *Stewart*; which he accordingly did some Time after. That in the Month of *December* afterwards he desired Mr *Carrington*, the Clerk of the Court, to show him the Bill of Sale, and upon examining it found it was antedated, of which he informed Mr *Efdale*, another of *Hughes's* Creditors, who had issued an Execution against *Hughes's* Estate, on which Return was made that there were no Effects to be found, and told him he might venture to issue another Execution against the said *Hughes's* Estate, which he accordingly ordered and the Deponent then levied it on *Joe*, one of the Slaves named in the said Bill of Sale: That the Deponent then told *Hughes* what he had done, who said that the Negroes belonged to Mr *Proffer*, he having a Bill of Sale for them: That Mr *Proffer* being sent for, he asked the Deponent why he had taken the Slave, when he knew he had a Bill of Sale for him, and swore he would sue him to the General Court: That the Deponent then told Mr *Proffer* he knew he had a Bill of Sale for the Negro, and that he also knew how it was taken; that it was executed the *October* Court Day before, but was antedated to the 1st of *January*, which Mr *Proffer* acknowledged, but said he knew not that any ill Consequences could attend it. The said *Littlebury Mosby* also deposed that there had been some other Executions issued against the said *Hughes's* Estate, on which the like Return was made of no Effects, being in Consequence of the said Bill of Sale. 9

It likewise appeared, from the Testimony of Mr *David Rofs*, that Mr *Alexander Baine* had a Suit depending against the said *Hughes*; and an Attachment being awarded against his Estate, it was not served, until lately, owing to the said Bill of Sale to Mr *Proffer*. That Mr *Proffer* has since told him that the Bill of Sale was granted to him in Consequence of his satisfying Mr *Stewart's* Debt, for which he was in Execution; but on his looking into it, he found it was antedated, though Mr *Proffer* had told him it was taken at the *Cumberland* Court in *October*.

A Deed was then produced to your Committee, dated the 26th Day of *January* 1763, by which the said *Hughes* conveyed his Lands and Negroes to his Children, named therein.

And by the Evidence of Mr *George Carrington*, it appears to your Committee that on the 22^d Day of *August* 1763, the Day on which the same was proved in *Cumberland* Court, Mr *Proffer* was on the Bench, and desired to see it, and after reading it said he had intended to go down the next Day and secure that Estate.

Mr *John Fleming* also declared before your Committee that he saw and read the said Deed the Day it was proved, and at Mr *Proffer's* Request showed it to him, who asking him what could be the Design of the Deed, he answered it appeared to him that *Hughes* designed to defraud his Creditors, and that Mr *Proffer* then told him he had intended to go the next Day and secure that Estate.

It further appears to your Committee, from the Evidence of Mr *Alexander Stewart*, that he hearing *Hughes* was discharged out of Custody, expected to receive his Debt of the Sheriff in a short Time: That soon after he received a Letter from one *Bennett Goode*, desiring him to discharge *Hughes* out of Prison, and he would pay the Debt; and that he accordingly wrote to the Sheriff to discharge him: That the said Letter was dated the 26th Day of *October* 1763, and that Mr *Proffer* acknowledged he wrote it for *Goode*: That he lay out of his Money five or six Months, and it was afterwards paid to him through the Hands of Mr *Proffer*.

The above named *Bennett Goode* then deposed that Mr *Proffer* came to his House, and

and told him of *Hughes's* being in Execution; that he the Deponent was desirous of getting him out of Prison, and that Mr *Proffer* then told him he had a Bill of Sale from *Hughes*, but said he feared he should be obliged to pay Mr *Stewart's* Debt: That this Conversation passed a few Days before the Court in which the said *Hughes's* Bill of Sale to Mr *Proffer* was acknowledged: That he the Deponent owed Mr *Proffer* about £20, which he paid in Discharge of so much of *Hughes's* Debt to *Stewart*; and that at Mr *Proffer's* Request the Deponent directed Mr *Proffer* to write a Letter to Mr *Stewart* desiring him to discharge *Hughes* out of Prison, which he signed.

It likewise appears to your Committee, from the Evidence of Mr *John Efdale*, that he had obtained a Judgment against *Hughes*, out of which he lay some Time, in Consequence of the said Bill of Sale to Mr *Proffer*.

Joseph Carrington deposed that about the Months of *May* or *June* Mr *Mosby* the Sheriff desired his Assistance in serving an Execution on *Hughes's* Negroes: That *Hughes* insisted the Slaves belonged to Mr *Proffer*, who being sent for came, and was very angry, and told *Mosby* he had a Bill of Sale for the Negro taken in Execution: That *Mosby* answered he knew he had, and could tell him how he had got it; that it was taken in *October*, but antedated to the *January* before.

The said *Robert Hughes* then being examined, deposed that he owed Mr *Proffer* the Money mentioned in the Bill of Sale; but not so much, exclusive of the Debt he owed Mr *Stewart*, and for which he was in Execution: That the said Bill of Sale was wrote by Mr *Proffer*, and executed and acknowledged on one and the same Day, which was done by his Desire; and the antedating it was designed to secure Mr *Proffer*, Mr *Lyle*, and his other Creditors, in Preference to his Children: That Mr *Proffer* had been his Friend, and he believed intended no Fraud by the Bill of Sale, and had by these Means done him great Service. He further deposed that he had received the several Sums of Money mentioned in an Account produced to the Committee, which were applied towards discharging his Debt to Mr *Stewart*.

Another Deed was then produced, and laid before your Committee, from one *Anthony Martin* to one *Thomas Smith*, for the conveying 50 Acres of Land to the said *Smith*, dated the 1st Day of *December* 1758.

Your Committee then proceeded to examine Evidence thereon; and the said *Anthony Martin* deposed that the said *Smith* being entitled to a Piece of Land which had been given to the Deponent by his Father, by the said *Smith's* Intermarriage with the Deponent's Mother, the said *Smith* proposed to give up that Land to the Deponent, if he would let him have 50 Acres of it, which adjoined other Lands belonging to the said *Smith*, when he came of Age: That the Deponent agreed to the Proposal, and gave Bond and Security to convey the said 50 Acres to the said *Smith* as soon as he came of Age: That the Deponent married soon after he was of Age, but the Execution of his Deed to the said *Smith* was neglected for about three Months afterwards: That Mr *Proffer* was then desired to lay off the said 50 Acres, which he did; and a Dispute then arising about the Necessity of the Deponent's Wife's going to Court to relinquish her Right of Dower, it was agreed on between them, as he believes by Mr *Proffer's* Advice, that the Deed should be made to bear Date before the Deponent's Marriage, which would save that Trouble: The Deponent does not know whether his Wife was present at the Time of this Conversation, or when the Deed was executed, but believes it was at his own House.

An Indenture of Mortgage was then laid before your Committee, between the before named *Robert Hughes* and Mess. *George Kippen*, *Archibald Ingraham*, and Company, whereby the said *Hughes* acknowledged himself indebted to the said *Kippen* and others in the Sum of £226.6 Current Money, for securing the Payment thereof mortgaged to them two Tracts of Land therein described, one of which containing 619 Acres was said to be purchased of *Benrett Goode*, the other of 240 Acres, on *Willis's* Creek in *Cumberland*, of *John Jude*: the said Mortgage appears to bear Date the 4th Day of *May* 1763, and was acknowledged by the said *Hughes* the 24th Day of *October* in the same Year

Year, the Time limited by the said Mortgage for Payment of the said Money being within six Months after the Date.

Your *Committee* beg Leave to inform the House that upon examining Witneffes concerning the said Mortgage, Mr *James Lyle* depofed that the said *Hughes* being indebted to *Kippen* and Company in a confiderable Sum of Money, he defired Mr *Proffer* to fend him down to give him a Mortgage for fecuring that Debt: That *Hughes* came down accordingly, and executed the above mentioned Mortgage, which the Deponent took for both the Tracts of Land therein mentioned, having heard of an intended Exchange of Lands between the said *Hughes* and one *John Jude*. The Deponent then declared that he fent up the said Mortgage to Mr *Proffer*, defiring him to get it acknowledged, and that it then bore Date fome Time in *October* 1763; and that he wrote to Mr *Proffer* at the fame Time to inform him that *Hughes* had agreed to have it foreclofed fooner than the Time limited therein, and defired him to get the Time of Payment altered: That the Perfon he fent up with the Mortgage, on his Return, informed him that Mr *Proffer* intended to alter the Date of it, which the Deponent was alarmed at; and that Mr *Proffer* did alter the Date from *October* to *May*, which he believes was done with *Hughes's* Confent, and is prior to the Date of the Deeds between *Hughes* and *Jude*. 11

John Jude depofed that in *Auguft* 1763, going up the Country, he called at *Hughes's* Houfe, who propofed an Exchange of Lands with him, and afked of him £150 to Boot: That the Deponent then declined it, but faid he would look at it on his Return, and if he liked it would agree with him. That when the Deponent returned the said *Hughes* mentioned the Exchange again, when the Deponent took a View of his Land, and agreed to his Propofals: That mutual Deeds were executed between them, and the Deponent gave the said *Hughes* his Bonds for Payment of the Difference, which were all dated the 11th Day of *September* 1763. That the Deponent underftood that when the said *Hughes* was taken in Execution he endorfed over his faid Bonds to Mr *Pleasants*, as Counter Security to him for becoming his Security for the Prifon Rules: That the said *Pleasants* afterwards fent the faid Bonds to the Deponent, to know whether they would be paid, and he anfwered they would be paid when due. That afterwards the said *Pleasants* told the Deponent of the said *Hughes's* having before executed a Deed of Gift of his faid Land to his Children, as alfo of his Mortgage to Mef^r. *Kippen* and Company, upon which the Deponent wrote to Mr *Fleming*, defiring him to advertife in the Gazette the Manner in which he had been deceived, and alfo wrote to *Hughes* to defire he would deliver up his Deed to him, and offering to return the Deed he the said *Hughes* had executed to the Deponent, which the said *Hughes* refufed to do. The Deponent further declared that Mr *Proffer*, in the Month of *February* or *March*, defired him to give up the faid *Hughes's* Deed to him, telling him it could be of no Ufe to him, as *Hughes* had before made a Deed for the faid Land to his Children, and a Mortgage to the said *Kippen* and Company: That the Deponent at first refufed fo to do; but propofing that Mr *Proffer* fhould give him his Bond, in the Penalty of £300, to return the Deed when called for, and Mr *Proffer* agreeing to it, he accordingly delivered it up to him: That Mr *Proffer* told the Deponent he wanted the Deed only to fhew the Court that he the Deponent had given up his Right to the Land.

It further appeared to your *Committee*, from the Evidence of Mr *Patrick Henry*, that fome Time after *Hughes* had executed the Mortgage above mentioned, to Mef^r. *Kippen* and Company, Mr *Proffer* told him that Mr *Lyle* had directed him to alter the Time therein limited for Payment, and to apply to himfelf and Mr *Fleming* for advice thereon: That Mr *Proffer* told him at the fame Time he had altered the Date of the faid Mortgage, and afked the Deponent whether it would be good; that the Deponent then told him, if it did not interfere with any other Deed, it would be good. The faid Mr *Henry* further depofed that foon after he faw the said *Hughes*, and afked him about the faid Mortgage, *Hughes* anfwered he was defirous the faid Mortgage fhould be foreclofed as foon as poffible; the fooner it was done the lefs Intereft he fhould have to pay, and the fooner he fhould pay his Debts. That a Suit being brought to foreclose the Mortgage, he told the said *Hughes* of it, and that as nobody had appeared for him when it 12

it was first called, he told the said *Hughes*, if he chose to defend it, then was his Time; to which *Hughes* answered he did not intend it. That the Deponent afterwards drew an Answer for the said *Hughes* to the Bill for Foreclosure, in which the Allegations of the Bill were confessed; and a Decree was made accordingly. That Mr *Proffer* afterwards asking the Deponent if any Hole could be picked in the Mortgage, he answered, as before, that if it did not interfere with any other Deed, it might be supported; but that this last Conversation happened some Time after the said Mortgage had been talked of, and made some Noise in the County.

It likewise appeared to your Committee, from the Testimony of Mr *James Pleasants*, that the said *Hughes* was indebted to Mr *John Pleasants* about £70, which he was desirous of securing; but that *Hughes* refused to assign over the said *Jude's* Bonds to him, unless he would be his Security for the Prison Rules.

Your Committee then proceeded to examine Witneses touching the second Charge in the said Information against Mr *Proffer*, and beg Leave to acquaint the House that Mr *Littlebury Mosby* deposed that some Time ago Mr *Proffer* came to him and gave him a List of 12 Persons, whom he desired the Deponent (then Sheriff of *Cumberland* County) to summon as a Jury, on an Order of Court he had obtained to build a Mill, and that they should meet him on the *Monday* following at the Place to be viewed: That the Deponent told him he could not attend soon, when Mr *Proffer* answered that he would get the Jury together at his House, and save him the Trouble of riding about to summon them. That soon after the said Order of Court was sent to him, upon examining into which, and finding it would considerably affect Mr *Pleasants*, he then looked over the List of Jurymen left with him by Mr *Proffer*, and finding that Mr *Proffer* had chosen some Persons for that Purpose that he could not approve of, some of them living at a considerable Distance, he tore the List and threw it into the Fire, and determined to summon such a Jury as he thought proper, that Mr *Pleasants* might have an equal Chance for Justice, of which he told Mr *Proffer*, who did not complain of it: That he accordingly summoned a Jury, and attended with them on the Day appointed for the Business, but not at Mr *Proffer's* House. Mr *Mosby* further said that *Joseph Bondurant*, *William Whorly*, and *William Maxy*, were three of the Persons named in Mr *Proffer's* List of Jurymen.

It then appeared to your Committee, from the Evidence of *Joseph Bondurant*, that Mr *Proffer's* Storekeeper went to his House, and delivered him a Note in Writing, signed with the Name of *Littlebury Mosby*, Sheriff of the said County of *Cumberland*, directed to himself and four others, requiring their Attendance as Jurymen to value an Acre of Land for a Mill on the *Monday* following; he further deposed that the Note was not Mr *Proffer's* Writing, and that he was afterwards summoned by the Sheriff in Person: Mr *Mosby* being then called upon, deposed that he never wrote or signed any such Note.

Mr *Carter Harrison* then deposed that Mr *Pleasants* desired him, with some other Members of the Court, to meet with the Jury at the Place where Mr *Proffer* had petitioned for Leave to build the Mill, that they might be better Judges of the Matter from their own View than they could be from the Report of the Jury only: That the Deponent accordingly attended, and a Dispute arising about a particular Line to be viewed by the Jury, the Deponent told Mr *Proffer* he had not behaved justly on that Occasion; and being asked by Mr *Proffer* in what Instance he had acted wrong, the Deponent told him in writing Summonses to the Jury, which Mr *Proffer* denied he had: That the Deponent then called upon *Joseph Bondurant* to produce the Note he had received; which being shown, Mr *Proffer* said the Sheriff had directed him so to do: That the Sheriff being within Hearing, denied he had given him any such Directions; upon which Mr *Proffer* replied that he had asked his Leave to write such Summonses, and as he had made him no Answer, he took his Silence for Consent.

Mr *Thomas Turpin* then deposed that he was present at the above Dispute between Mr *Harrison* and Mr *Proffer*, and his Evidence was to the same Effect with Mr *Harrison's*.

William Maxy being next examined, deposed that he received the like Note from Mr *Proffer*, desiring him to meet the Sheriff at his Store on a Particular Day, to serve

as a Juryman on the same Occasion; that he was very desirous of being excused, both Parties being his Friends and Neighbours: That he was present on the Day appointed, and would have avoided being summoned, but that both Mr *Pleasants* and Mr *Proffer* insisted on his serving as a Juryman, and that Mr *Pleasants* kept him in Conversation until the Sheriff appeared and summoned him: He further declared that Mr *Pleasants* expressed himself satisfied with all the Jurymen but one, who he believed was considerably in Debt to Mr *Proffer*. The Deponent further declared that, as well as he remembers, he heard one *Shelton*, a Storekeeper of Mr *Proffer's*, who carried him the above mentioned Note, say that he himself wrote the said Note, and by Mistake put the Sheriff's Name to it instead of Mr *Proffer's*.

Resolved, That the several Charges contained in the said Information against the said Mr *Proffer* are true.

Resolved, That the said Mr *Proffer* be expelled, and rendered forever incapable of sitting or voting as a Member of this House.

Ordered, That the Costs of this Prosecution be paid by the said Mr *Proffer*, and it is referred to the Committee of Privileges and Elections to settle and adjust the same.

Ordered, That an Address be made to the Governour to order a new Writ to issue for electing a Burgess to serve in this present General Assembly for the County of *Cumberland*, in the Room of the said Mr *Thomas Proffer*; and that Mr *Fleming* do wait on his Honour with the said Address.

A *Petition* of *Arthur Campbell*, setting forth that on the 14th of *September* 1758 he joined a Company of Rangers, under the Command of Capt. *John Dickenson*, stationed at Fort *Young* in *Augusta* County, where he was unfortunately captivated, and detained a Prisoner until *December* the 25th, 1760, and by that Means not returned in Capt. *Dickenson's* Pay Roll; and praying the Consideration of the House.

Also a *Petition* of *Stephen Bankenship*, setting forth that he was a Soldier in the *Virginia* Regiment, and taken Prisoner by the *Delaware Indians*, near Fort *Ligonier*, in 1758, and remained in Captivity until *November* last; and praying the Consideration of the House, were severally presented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Bland* reported that the Persons to whom the *Petition* of *Michael Christian* and *Robert Clark Jacob* was referred had examined into the Allegations thereof, and found them to be true, and had come to the following Resolution thereon; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the House, as follows:

Resolved, That the said Petitioners be exempted from paying the Duties of the Rum in the said *Petition* mentioned.

A *Petition* of fundry Inhabitants of the Town of *Richmond*, praying that no Hogs may be suffered to be raised in said Town, or let run at large therein, was presented to the House and read.

Ordered, That the said *Petition* be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Ordered, That the Committee of Claims be discharged from proceeding any further on the Accounts of the Militia ordered out into actual Service, to them referred; and it is referred to the said Committee to prepare and bring in a Bill For appointing Commissioners to examine, state, and settle an Account of the Pay and Provisions of the said Militia.

And then the House adjourned until Monday Morning 10 o'Clock.

Monday

Monday, the 6th of May, 5 Geo. III. 1765.

A *Petition* of *Abraham Smith*, Major of the Militia in the County of *Augusta* setting forth the great Trouble and Expence he had been at by the frequent transmitting Expresses and Despatches to the Commandant of the said County, to the great Hurt and Prejudice of his own Affairs.

Also a Petition of *George Rutledge*, of the County of *Augusta*, setting forth that he went out voluntarily after the *Indians*, with many others, in *September* last, and by them got much wounded, which has rendered him incapable of subsisting by his own Means, and praying the Consideration of this House, were severally presented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Petition* of *Nathaniel Harrison*, setting forth that his Father by his last Will and Testament, bearing Date the 15th of *December*, 1726, did devise unto your Petitioner a certain Tract of Land called *Coggin's Point* in *Prince George* County, and another Tract of Land called *Brandon* in the said County, in *Taille*, and praying that an Act may pass to dock the Entail of the said Tract of Land called *Coggin's Point*, and the Money arising therefrom laid out in the Purchase of Slaves to be settled on the said *Brandon* Tract, to descend to the same Uses, was presented to the House and read.

Ordered, That a Bill be brought in agreeable to the Prayer of the said Petition, and it is referred to Mr *Bland* to prepare and bring in the same.

A *Petition* of fundry Inhabitants of the County of *Frederick*, praying that an Act may pass for giving a greater Reward for killing Wolves in that and the neighboring Counties on the Frontiers of this Colony.

Ordered, That a Bill be brought in agreeable to the Prayer of the said Petition, and it is referred to Mr *Mercer* and Mr *Francis Lee* to prepare and bring in the same.

15 Mr *Bland* presented to the House, according to Order, a Bill To dock the Entail of [1973] Acres of Land in the Parish of *Martin's Brandon* and County of *Prince George* whereof *Nathaniel Harrison* is seized in Fee *Taille*, and for vesting the same in Trustees in Fee Simple for the Uses therein mentioned; and the said Bill was read the first Time, and ordered to be read a second Time.

A *Petition* of fundry Inhabitants of the Northern and Southern Banks of the River *Appamattox*, complaining of the great Injury done them by the Mill Dams across the River, as they entirely obstruct the Passage of the Fish, and praying that an Act may pass to cause the Owners or Proprietors of such Mill Dams to make Locks through them for the Passage of Fish.

Also fundry other *Petitions* in Opposition thereto, were severally presented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

A *Petition* of fundry Inhabitants of the County of *Cumberland*, complaining of the Tobacco Pickers, and praying that an Act may pass for the better regulating of them and their Fees, was presented to the House and read.

Ordered, That the said Petition do lie on the Table.

On a *Motion* made,

The Bill To dock the Entail of [1973] Acres of Land whereof *Nathaniel Harrison* is seized in Fee *Taille*, and for vesting the same in Trustees in Fee Simple for the Uses therein mentioned, was read a second Time, and committed to the Members of *Prince George*, *Surry*, and *Charles City*.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Tuesday

Tuesday, the 7th of May. 5 Geo. III. 1765.

MR Bland, from the Committee to whom the Bill To dock the Entail of [1973] Acres of Land in the Parish of *Martin's Brandon*, in the County of *Prince George*, whereof *Nathaniel Harrison* is seized in Fee Taille, and for vesting the same in Trustees in Fee Simple for the Uses therein mentioned, was committed, reported that they had examined into the Allegations thereof and found them to be true, and had made some Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

Mr Attorney, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill For clearing the great Falls of *James River*.

Also a Bill For the more effectual and Speedy Prosecution of Persons setting up Hedges or Stone Stops in the River *Pamunkey*, and for other Purposes therein mentioned.

Also a Bill For enlarging the Jurisdiction of the Court of Hustings in the Borough of *Norfolk*.

Also a Bill To oblige the Vestry of the Parish of *Nottoway* to refund to the Parish of *St. Luke* their Proportion of Money and Tobacco raised for repairing the Churches in the said Parish of *Nottoway* before the Division thereof. And the said Bills were severally read the first Time, and ordered to be read a second Time.

And also that the Committee of Propositions and Grievances, to whom the Bill For opening and clearing a Road through *Swift Run* Gap over the Mountains in *Augusta* was committed, had made no Amendments thereto.

Ordered, That the said Bill be engrossed and read a third Time.

Mr Bland, from the Committee of Privileges and Elections, reported that the said Committee had had under their further Consideration the Petition of *Hampton Wade*, complaining of an undue Election and Return of Mr *Edward Booker* to serve as a Burgess in this present General Assembly for the County of *Halifax*, to them referred; and have agreed upon a Report, and come to a Resolution thereupon, as follow:

Your Committee beg Leave to inform the House that the Petitioner has not complied with their former Orders for taking Depositions of Witnesses in the Country on the Subject Matter of his said Petition, nor hath he appeared before your Committee to support the Allegations thereof; and therefore,

Resolved, That the said Mr *Edward Booker* is duly elected to serve as a Burgess in this present General Assembly for the said County of *Halifax*.

Mr Bland, from the Committee of Privileges and Elections, reported that the said Committee had, according to Order, stated and settled an Account for the Attendance of the Witnesses, and other Expenses, upon the Information against Mr *Thomas Proffer*; which he read in his Place, and then delivered in at the Table, where it was again read and agreed to by the House, as follows:

and agreed to by the House, as follows:

To <i>Joseph Carrington</i> for travelling 100 Miles	} And 2 Days Attendance each.	lbs. Tobacco,	
To <i>Bennett Goode</i> 88 "		420 & Ferriages.....	3f.
To <i>James Pleasants</i> 88 "		384 & Do.	1f.
To <i>Thomas Turpin</i> 88 "		384 & Do.	3f.
To <i>Samuel Flournoy</i> 86 "		384 & Do.	3f.
To <i>Joseph Bondurant</i> 88 "		378 & Do.	3f.
To <i>Carter Henry Harrifon</i> 110 "		384 & Do.	3f.
To <i>George Carrington, Jun</i> 110 "		450 & Do.	3f.
To <i>John Jude</i> 84 "		450 & Do.	1f.
To <i>Robert Cawthron</i> 82 "		372 & Do.	1f.
To <i>John Martin</i> 75 "		366 & Do.	1f.
To <i>Anthony Martin</i> 82 "		345 & Do.	1f.
		366 & Do.	1f.
			To

To the Clerk of <i>Cumberland</i> for Copies of three Deeds.....	84
To the Clerk of <i>Henrico</i> for a Copy of an Order of Court	9
Pounds of Tobacco.....	4776 &
	22s.

A *Petition* of *James Hubard*, and *Frances* his Wife, setting forth that the Petitioner *Frances* is Tenant in Taille of and in 840 Acres of Land in the Parish of *Brunswick* in the County of *King George*, and the Petitioner *James* is seized of several Lots or Half Acres of Land in the City of *Williamsburg* in Fee Simple, and praying that an Act may pass to dock the Entail of the said Land in *King George*, and to settle the Lots in *Williamsburg*, and fundry Slaves, in Lieu thereof, was presented to the House and read.

Ordered, That a Bill be brought in agreeable to the Prayer of the said Petition, and it is referred to Mr *Wythe* to prepare and bring in the same.

Mr *Edmund Pendleton*, from the Committee for Courts of Justice, reported that they had had under their Consideration the Bill For further continuing the Act entitled *An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*, and that they had made some Amendments thereto; which
17 he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

Ordered, That Mr *Robert Bolling*, Jun. be added to the Committee of Propositions and Grievances.

Mr *Wythe* presented to the House, according to Order, a Bill To vest certain Lands therein mentioned in *James Hubard*, and settling other Lands and Slaves in Lieu thereof; and the said Bill was read the first Time, and ordered to be read a second Time.

Ordered, That Mr *Joseph Gray* be added to the Committee of Privileges and Elections.

A *Petition* of fundry Merchants on *York* and *James* Rivers, setting forth that the Delays in the Courts of Justice in a great Measure is occasioned by the non-attendance of the Magistrates, and praying that an Act may pass to oblige the Person cast in any Suit to deposit the Sum of 10 Shillings in the Hands of the Clerk, to be equally divided among the sitting Justices.

Also a *Petition* of fundry Persons employed in the Leather Manufacture, praying that an Act may pass to enable them to export out of this Colony, Duty free, such Hides as they shall or may hereafter import hither, were presented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinions thereon, to the House.

On a *Motion* made,

The Bill For clearing the great Falls of *James* River was read a second Time.

Ordered, That the said Bill be committed to the Committee of Propositions and Grievances.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Wednesday. the 8th of May. 5 Geo. III. 1765.

A *Petition* of *Rice Jones*, setting forth that he is seized as Tenant in Fee Taille, under the Will of *Rice Jones* deceased, of and in a valuable Tract of Land upon *Rappahannock* River, in the County of *Effex*, and also of about 800 Acres of Land in the Parish of *Christ's Church*, in the County of *Middlesex*, and praying that an Act may pass to vest the said 800 Acres of Land in *Richard Corbin*, Esq; to whom he hath disposed of the same, in Fee Simple, and for settling Slaves of greater Value in Lieu thereof to the same Uses, was presented to the House and read.

Ordered,

Ordered, That a bill be brought in agreeable to the Prayer of the said Petition, and it is referred to Mr *John Lee* to prepare and bring in the same.

Mr *Cary*, from the Committee of Claims, reported that the said Committee had had under their Consideration several Petitions to them referred, and had come to several Resolutions thereupon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, with an Amendment, as follow:

Resolved, That *George Rutledge* ought to be allowed the Sum of £35 for his present Relief, and to enable him to pay the Surgeon's Bill, and the Sum of £10 per Annum during his Disability caused by the Wound he received in the Service of this Colony. 18

Resolved, That *Arthur Campbell* ought to be allowed by the Publick the Sum of £41 for his Pay as a Ranger, during his Captivity by the Enemy.

Resolved, That *Stephen Blankenship* ought to be allowed by the Publick the Sum of £75 for his Pay as a Soldier, during his Captivity by the Enemy.

Resolved, That *John Watts* and *William Young*, Inspectors at *Jordan's* Warehouse, ought to be allowed the Sum of £17. 4s by the Publick, for two Hogheads of Tobacco stolen out of the said Warehouse.

Resolved, That the Petition of Major *Abraham Smith*, to be allowed for his Service in draughting and ordering out the Militia, be rejected.

An Account of *Alexander Sayer*, for Waggonage for the Militia, was presented to the House and read.

Ordered, That the said Account be referred to the Consideration of the Committee of Claims, that they examine into the Allegations thereof, and report the same, with their Opinion thereupon, to the House.

On a Motion made,

Ordered, That a Bill be brought in To amend the Act for inspecting Pork, Beef, Flower, Tar, Pitch, and Turpentine; and it is referred to the Committee of Trade to prepare and bring in the same.

A Petition of *Harry Beverley*, setting forth that he is seized as Tenant in Fee Taille, under the Will of his Father *Robert Beverley*, Esq; of a large Tract of Land called *Odonia*, in the County of *Orange*, and is also seized of divers other entailed Lands, under the said Will, and is possessed of but few Slaves to cultivate the same, and praying that an Act may pass to sell Part of the said Lands, and to lay out the Money in the Purchase of Slaves, to be settled to the same Uses, was presented to the House and read.

Ordered, That a Bill be brought in agreeable to the Prayer of the said Petition, and it is referred to Mr *Edmund Pendleton* to prepare and bring in the same.

On a Motion made,

Ordered, That a Bill be brought in To amend the Act for raising a Publick Levy, and for other Purposes therein mentioned; and it is referred to the Committee of Claims to prepare and bring in the same.

A Petition of Mr *Henry Allen*, and others, praying that the said *Allen* may have Liberty to build a Bridge over the South Branch of *Back* River, and to be allowed a reasonable Toll from all Persons passing the said Bridge, that he may have one Acre of Land vested in him on the other Side of the Water, and that he may have Liberty to build a Fulling and Grift Mill at the same Place.

Also a Petition of sundry Inhabitants of the Fork of *Nottoway*, in *Amelia* County, desiring that they may be added to *Cumberland* Parish, in *Lunenburg* County, as they are at present very inconveniently situated to their County Court and General Musters.

Also a Petition from sundry Inhabitants of *Lunenburg*, in Opposition thereto, were everally presented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereupon, to the House.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that the Committee had had under their Consideration divers propositions and Petitions from 19
several

several Counties to them referred, and had come to several Resolutions thereupon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, with some Amendments, as follow:

Resolved, That so much of the Petition of fundry Inhabitants on the Southern and Northern Banks of *Appamattox* River, complaining that the Passage of Fish up the said River is still obstructed by the Mill Dams built across the same, notwithstanding the Laws now in Force to prevent such Obstructions, and praying that the Owners and Proprietors of such Mills may be obliged to erect Locks through their respective Dams, not less than twenty Feet wide, and that their Foundations may be level with the Bed of the River, be rejected.

Resolved, That the Residue of the said Petition, praying that the Laws now in Force, for obliging the Owners and Proprietors of such Mills to leave Openings or Slopes in their Mill Dams, sufficient for the passage of Fish, may be amended, is reasonable.

Resolved, That the several Petitions of fundry Inhabitants of the Counties of *Prince George*, *Dinwiddie*, *Chesterfield*, and *Amelia*, in Opposition to the said Petition, be rejected.

Resolved, That the Petition of divers Inhabitants on the said River of *Appamattox*, praying that they may be allowed to set Hedges across the said River for catching Fish, and that the Owners of Mills thereon may be obliged to keep a clear and open Passage through their Dams three Months in every Year, be rejected.

Resolved, That the Petition of fundry Inhabitants of the County of *Amherst*, praying that quarterly Courts may be established therein, is reasonable.

Resolved, That the Petition of *Thomas Shepherd*, praying that a Ferry may be established from his Lots in the Town of *Mecklenburg*, in the County of *Frederick*, over *Potowmack* River, to his Land opposite thereto, in the Province of *Maryland*, is reasonable.

Resolved, That the Petition of the Inhabitants of the Town of *Richmond*, praying that an Act may pass to restrain the raising Hogs, and suffering them to run at large within the Limits of the said Town, is reasonable.

Resolved, That the Memorial and Petition of fundry Merchants and Traders in this Country, praying that the Time allowed by Law for proving Book Debts may be extended, and the Method of such Proof altered, and that considerable Interest, by Way of Damages, may be laid upon Sheriffs and other Officers who neglect or refuse to pay Money levied by them on Executions, be rejected.

Resolved, That so much of the Petition of fundry Merchants and others, proposing that the Plaintiffs in every Suit (except by Petition) should deposit the Sum of 10s. to be divided amongst the fitting Justices, and taxed upon Recovery in the Bill of Costs, be rejected.

Resolved, That the Residue of the said Petition, praying that the Laws relating to the Sheriffs Commissions for Debts, due from insolvent Debtors taken in Execution, may be explained, is reasonable.

Ordered, That the Committee of Propositions do prepare and bring in a Bill, or Bills, pursuant to the 2^d, 5th, 6th, 7th, and 10th Resolutions.

The *Order* of the Day being read for the House again to resolve itself into a Committee on the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's
 20 Customs, the House immediately resolved itself into the said Committee; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the said Committee had had the said Bill under their further Consideration, but not having Time to go through the same, had directed him to move for Leave to sit again.

Resolved, That this House will again resolve itself into a Committee on the said Bill on *Monday* next.

The *Order* of the Day being read for the House to resolve itself into a Committee on the Bill For amending the Act entitled *An Act for directing the Trial of Slaves committing Capital Crimes, and for the more effectual punishing Conspiracies and Insurrections of*
 them

them, and for the better Government of Negroes, Mulattoes, and Indians, bond or free, the House immediately resolved itself into the said Committee, and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the said Committee had had the said Bill under their further Consideration, but not having Time to go through the same, had ordered him to move for Leave to sit again.

Resolved, That this House will again resolve itself into a Committee on the said Bill Tomorrow.

A *Petition* of the Innholders of *Williamsburg, Norfolk, Hampton, York, and Gloucester*, praying that an Act may pass to enlarge the Credit given by Ordinary Keepers to Persons residing in their Counties;

And the Question being put that the said Petition be referred to a Committee, It passed in the Negative.

Resolved, That the said Petition be rejected.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Thursday, the 9th of May, 5 Geo. III. 1765.

MR *Attorney*, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill To oblige the Owners of Mills, Hedges, or other Stops in the River *Little Roanoke*, and the north Branch of *James* River, to leave Openings or Slopes therein for the Passage of Fish.

Also a Bill To prevent the raising of Hogs, and suffering them to run at large, in the Town of *Richmond*; and the said Bills were severally read the first Time, and ordered to be read a second Time.

On a Motion made,

Ordered, That Leave be given to bring in a Bill To empower the Treasurer to demand and receive the Money due from the Province of *Pennsylvania* to this Colony, and it is referred to Mr *Attorney* to prepare and bring in the same.

A *Petition* of *William Winston, Jun.* setting forth that a Company of Militia was stationed on his Land, as being thought a proper Place to build a Fort and other Buildings, through which he sustained Damages to the Amount of fifty Pounds, and praying the Consideration of this House.

Also a *Petition* of *John Smith*, setting forth that he was a Captain of a Company of Rangers on the Frontiers in 1756, was taken Prisoner, and remained in Captivity until 1758, and praying that he may be allowed his Pay during his Captivity.

Also a *Petition* of *John Patrick*, praying to be paid for a Horse impressed into the Service of the Colony in the Year 1761, and appraised to £12, were severally presented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereupon, to the House. 21

A *Petition* of *Philemon Halcomb*, setting forth that in the Year 1763 he accounted with the Treasurer for Taxes of 11 Tithables, which he never received, the Persons from whom he was to collect the same proving Insolvent, and praying the Consideration of this House, was presented and read.

Ordered, That the said Petition be referred to the Committee appointed to examine the Treasurer's Accounts; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Pendleton* presented to the House, according to Order, a Bill To dock the Entail of certain Lands whereof *Harry Beverley* is seized, and for settling Slaves to be purchased in Lieu thereof to the same Uses; and the said Bill was read the first Time, and ordered to be read a second Time.

Mr *John Lee* presented to the House, according to Order, a Bill To vest certain Lands whereof *Rice Jones* is seized in Fee Taille in the Hon. *Richard Corbin, Esq;* in Fee Simple

Simple, and for settling Slaves to be annexed to other entailed Lands in Lieu thereof; and the said Bill was read the first Time and ordered to be read a second Time.

A *Petition* of *Abraham Hite*, praying to be allowed some Consideration for his Trouble as County Lieutenant of *Hampshire* during the War with the *Indians*, was presented to the House and read;

And the Question being put that the said *Petition* be referred to a Committee, It passed in the Negative.

Resolved, That the said *Petition* be rejected.

Resolved, That *Mr Thomas Rutherford* be paid his Expenses for the Attendance of his Witnesses before the Commissioners in the Country on the Information exhibited by him against *Col. Adam Stephen* by the Publick, and it is referred to the Committee of Propositions and Grievances to settle the same.

On a *Motion* made,

Ordered, That it be an Instruction to the Committee appointed to bring in a Bill For appointing Commissioners to settle Militia Accounts, to receive a Clause or Clauses to empower the said Commissioners to settle and allow any Claims for Provisions furnished the Volunteers and Captives on their Return from *Pittsburg*.

A *Petition* of *Thomas Railey*, of the County of *Hanover*, setting forth that as *Shadrach Vaughan*, Under Sheriff of the County of *Henrico*, was removing a Prisoner to the Publick Gaol he impressed a valuable Mare of the Petitioner; and the said *Vaughan*, without giving the Petitioner Notice, got the said Mare appraised, by Persons who knew nothing of her Quality, to six Pounds, whereas the Mare was then worth a much greater Sum; and praying the Consideration of this House, was presented and read.

Resolved, That the further Consideration of the said *Petition* be referred to the next Session of Assembly.

Mr Mercer, from the Persons appointed, presented to the House according to Order, a Bill For increasing the Rewards for killing of Wolves, to be paid by the respective Counties wherein the Services shall be performed; and the said Bill was read the first Time, and ordered to be read a second Time.

22 A *Petition* of *John Young*, setting forth that he was an Inhabitant of the Frontier of *Augusta*, and was forced some Time in *May* last to leave his Habitation for fear of the Enemy, who killed his Stock, consisting of 7 Head of Cattle, and 4 Horses; and praying the Consideration of this House, was presented and read;

And the Question being put that the said *Petition* be referred to a Committee, It passed in the Negative.

Resolved, That the said *Petition* be rejected.

A Bill To vest certain Lands therein mentioned in *James Hubbard*, and settling other Lands and Slaves in Lieu thereof; was read a second Time, and committed to *Mr Wythe*, *Mr Attorney*, and the Members of *York*, *Richmond*, and *Stafford*.

A *Petition* of the Minister and Vestry of the Parish of *St. Mark*, in the County of *Culpeper*, praying that an Act may pass to empower them to sell the Glebe Land of the said Parish, and to purchase other Lands more convenient for a Glebe.

Also a *Petition* of fundry Inhabitants of the said Parish and County in Opposition thereto, were presented and read.

Resolved, That the further Consideration of the said *Petition* be referred to the next Session of Assembly.

A Bill To oblige the Vestry of the Parish of *Nottoway* to refund to the Parish of *St. Luke* their Proportion of Money and Tobacco raised for repairing the Churches in the said Parish of *Nottoway* before the Division thereof, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A Bill For the more effectual and speedy Prosecution of Persons setting up Hedges or Stone Stops in the River *Pamunkey*, and for other Purposes therein mentioned, was read a second Time.

Ordered, That the said Bill be committed to the Committee of Propositions and Grievances.

The *Order* of the Day being read for the House to take into Consideration a Bill For amending the Act entitled *An Act for directing the trial of Slaves committing Capital Crimes, and for the more effectual punishing Conspiracies and Insurrections of them, and for the better Government of Negroes, Mulattoes, and Indians, bond or free*, the House immediately resolved itself into the said Committee; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the said Committee had had the said Bill under their Consideration, but not having Time to go through the same, had ordered him to move for Leave to sit again.

Resolved, That this House will again resolve itself into the said Committee Tomorrow.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Friday, the 10th of May, 5 Geo. III. 1765.

A *Petition* of *Isaac Perkins*, setting forth that one *Andrew Mealy* leased a large Dwelling House of one *Thomas Lemon* for the Consideration of £35 per Annum, for the Payment of which Rent your Petitioner became Security to the said *Lemon*, and one Year before the Expiration of the said Lease Col. *Byrd* took the said House (being in good Repair) as an Hospital for the Use of the Regiment under his Command, and that when the same was given up it was much out of Repair, and the said *Mealy* dying Insolvent, your Petitioner has been obliged to pay the Rent, and has been repairing the said House one Year since, and praying to be reimbursed the Rent for the said two Years. 23

Also a *Petition* of *Simon Powell*, setting forth that he was a Serjeant in a Company of Rangers under the Command of Capt. *Hog*, and that by the hard Duty, and long Marches across the Mountains and Water Courses, is thereby rendered infirm, and not able to subsist by his own Means; and praying the Consideration of this House, were severally presented to the House and read.

Ordered, That the said Petitions be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same with their Opinion thereon, to the House.

A *Bill* For increasing the Rewards given for killing of Wolves, to be paid by the respective Counties wherein the Services shall be performed, was read a second Time, and committed to Mr *James Mercer*, and Mr *Thomas Harrison*.

A *Message* from the Governour by Mr *Walthoe*,

That his Honour had just received his Majesty's Repeal of the Act for disposing of sundry Lots in the City of Williamsburg, also a Letter from the Hon. Major General Gage, and another from Col. Bouquet, and had directed him to deliver the same to this House; and the Letters being read,

Ordered, That the said Letters do lie on the Table.

A *Memorial* of the Volunteers of the *Virginia* Regiment, setting forth that they voluntarily did join the Troops under Col. *Bouquet* on the late *Ohio* Expedition, and did find themselves with Necessaries during the Expedition.

Also a *Petition* of Capt. *Charles Lewis*, *Walter Cunningham*, and *Alexander M'Clanachan*, praying to be paid for acting in his Majesty's Service under the Command of Col. *Bouquet*, and the Men under their Command, were severally presented to the House and read.

Resolved, That this House will resolve itself into a Committee on the said Memorial and Petition Tomorrow.

Mr *Pendleton*, from the Committee for Courts of Justice, to whom the Bill For allowing the full Fees to which the Lawyers practising in the several Courts of this Colony are entitled

entitled, in particular Cafes therein mentioned, to be taxed, upon Recovery, in the Bill of Cofts, was committed, reported that the Committee had had the fame under their Confideration, and had made feveral Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the Houfe.

Ordered, That the faid Bill with the Amendments be engroffed, and read a third Time.

A *Bill* For enlarging the Jurifdiction of the Court of Huftings in the Borough of *Norfolk*, was read a fecond Time.

Ordered, That the faid Bill be engroffed, and read a third Time.

Mr *Cary*, from the Committee of Claims, prefented to the Houfe, according to Order, a Bill To amend the Act for raifing a Publick Levy, and for other Purpofes therein mentioned; which was read the firft Time, and ordered to be read a fecond Time.

Mr *James Mercer*, from the Perfons to whom the Bill For increafing the Reward given for killing Wolves, to be paid by the refpective Counties wherein the Services fhall be performed, was committed, reported that they had made feveral Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the Houfe with fome Amendments.

24 *Ordered*, That the faid Bill with the Amendments be engroffed, and read a third Time.

Mr *Attorney*, from the Committee of Propositions and Grievances, prefented to the Houfe, according to Order, a Bill For altering the Method of holding Courts in the County of *Amherft*.

Alfo a *Bill* For eftablifhing a Ferry from the Land of *Thomas Shepherd* at *Mecklenburg* in *Frederick* County to *Maryland*; and the faid Bills were read the firft Time, and ordered to be read a fecond Time.

On a *Motion* made,

Resolved, That a Committee be appointed to confift of the following Perfons, *viz.* *Peyton Randolph*, *George Wythe*, *John Randolph*, *Benjamin Waller*, and *Robert Carter Nicholas*, Efqrs; any three or more of whom to be fufficient to act, to collect the Publick Acts of Affembly of *Virginia* which fhall be in Force at the End of this Seflion of Affembly, and to agree with fome Perfon to make a proper Index to the fame, and alfo to agree with a Printer for printing 1200 Copies, to be neatly bound in Books, with the Arms of *Virginia* ftamped on each, and to deliver one to the Governour or Commander in Chief for the Time being, one to each of the Members of his Majefty's Council, and the Houfe of Burgeffes, one to the Clerk of the General Affembly, one to the Clerk of the Houfe of Burgeffes, one to the Clerk of the Secretary's Office, and one to each County Court Clerk for the Ufe of the Court of his County, and the reft among the Juftices of the feveral Counties, not being Burgeffes, as the Treafurer fhall direct.

The *Order* of the Day being read for the Houfe again to refolve itfelf into a Committee on the Bill For amending the Act entitled *An Act for directing the Trial of Slaves committing Capital Crimes, and for the more effectual punifhing Conspiracies and Infurrections of them, and for the better Government of Negroes, Mulattoes, and Indians, bond or free*, the Houfe immediately refolved itfelf into the faid Committee; and after fome Time fpent therein, Mr *Speaker* refumed the Chair, and Mr *Attorney* reported that the faid Committee had had the faid Bill under their further Confideration, but not having Time to go through the fame, had ordered him to move for Leave to fit again.

Resolved, That this Houfe will again refolve itfelf into a Committee on the faid Bill on *Monday* next.

And then the Houfe adjourned until Tomorrow Morning 10 o'Clock.

Saturday

Saturday, the 11th of May, 5 Geo. III. 1765.

A *Petition* of the Inspectors of *Boyd's Hole* Warehouse, praying that they may be allowed for five Hogheads of Tobacco, Itolen from the said Warehouse, in the Years 1762, 1763, and 1764.

Also a Petition of *Job Parker*, praying that he may be allowed for a Horse impressed by Capt. *Polson* some Time in the Month of *April*, before General *Braddock's* Defeat.

Also fundry Militia Accounts.

Ordered, That the said Petitions and Accounts be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereupon, to the House.

A *Petition* of *Lenox* and *Scott*, praying to be paid two Accounts of *William Harrie* and *William M'Cormack*, the former amounting to £4. 5. 10, the latter to £4. 4. 9, both which Accounts were credited by Capt. *Robert Pearis's* Certificates, for Services done to the Colony by the said *Harrie* and *M'Cormack* as Soldiers in the Year 1759.

Also a Petition of *John Dickenson* of *Augusta*, praying to be allowed for building a Fort on his Plantation, for the Defence of a Detachment of Militia stationed there, were severally presented to the House and read;

And the Question being put that the said Petitions be referred to a Committee, It passed in the Negative.

Resolved, That the said Petitions be rejected.

An engrossed *Bill* entitled *An Act for allowing the full Fees to which the Lawyers practising in the several Courts of this Colony in particular Cases therein mentioned, are entitled to be taxed upon Recovery in the Bill of Costs*, was read a third Time.

Resolved, That the Bill do pass.

Ordered, That Mr *Edmund Pendleton* do carry it up to the Council for their Concurrence.

An engrossed *Bill* entitled *An Act for opening and clearing a Road through Swift Run Gap over the Mountains, in Augusta*, was read a third Time and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Attorney* do carry it up to the Council for their Concurrence.

An engrossed *Bill* entitled *An Act for further continuing the Act entitled an Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Edmund Pendleton* do carry it up to the Council for their Concurrence.

A *Bill* For altering the Method of holding Courts in the County of *Amherst*, was presented to the House and read a second Time.

Ordered, That the said Bill be committed to the Committee of Propositions and Grievances.

Mr *Attorney* presented to the House according to Order, a Bill For the Sale of the useless Military Stores in the Magazine in *Williamsburg*, and the said Bill was read the first Time, and ordered to be read a second Time.

A *Bill* To vest certain Lands whereof *Rice Jones* is seized in Fee Taille in the Hon. *Richard Corbin*, Esq; in Fee Simple, and for settling Slaves to be annexed to other entailed Lands in Lieu thereof, was read a second Time, and Committed to Mr *John Lee*, Mr *Upshaw*, and Mr *John Pendleton*.

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¹ Hening, VIII, p. 184.

² *Ibid.*, VIII, p. 152.

³ *Ibid.*, VIII, p. 186

A *Bill* To dock the Entail of certain Lands whereof *Harry Beverley* is seized, and for settling Slaves to be purchased in Lieu thereof to the same Uses, was read a second Time, and committed to Mr *Edmund Pendleton*, and the Members of *Orange* and *Culpeper*.

A *Bill* To oblige the Owners of Mills, Hedges, or other Stops, in the River *Little Roanoke*, and the north Branch of *James River*, to leave Openings or Slopes therein for the Passage of Fish, was read a second Time.

And the Question being put that the said Bill be engrossed and read a third Time, It passed in the Negative.

Resolved, That the said Bill be rejected.

On a *Motion* made,

Ordered, That it be an Instruction to the Committee of Propositions and Grievances, to whom the Bill To oblige the Owners of Mills, Hedges, or Stone Stops, in the River *Little Roanoke*, and the north Branch of *James River*, to leave Openings or Slopes therein, was committed, to extend the Remedies of that Bill to *Little Roanoke*, *Nottoway*, *Meherrin*, north Branch of *James River*, and *Rappidan*, that they prepare and bring in a Bill for the same.

An engrossed *Bill* entitled *An Act to oblige the Vestry of the Parish of Nottoway to refund to the Parish of St. Luke their Proportion of Money and Tobacco raised for repairing the Churches in the said Parish of Nottoway before the Division thereof*, was read a third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *Joseph Gray* do carry it up to the Council for their Concurrence.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To empower the Vestry of the Parish of *Bruton* to sell certain Lots in the City of *Williamsburg*, and it is referred to Mr *Edmund Pendleton* to prepare and bring in the same.

A *Bill* For establishing a Ferry from the Land of *Thomas Shepherd* at *Mecklenburg*, in *Frederick County*, to *Maryland*, was read a second Time, and ordered to be engrossed.

A *Bill* To prevent the raising of Hogs and suffering them to run at large in the Town of *Richmond*, was read a second Time, and committed to Mr *Bradley* and Mr *Mercer*.

Ordered, That it be an Instruction to the said Committee to add the Town of *Portsmouth*.

The *Order* of the Day being read for the House to take into Consideration the Memorial of the Volunteers and the Petition of *Charles Lewis*.

Resolved, That this House will resolve itself into a Committee on the said Memorial on Tuesday next.

A *Bill* To amend an Act for raising a Publick Levy and for other Purposes therein mentioned, was read the second Time.

Ordered, That the said Bill be committed to Mr *Thomas Walker*, Mr *Richard Lee*, Mr *John Wilson*, Mr *Hartwell Cocke*, Mr *Edward Champion Travis*, Mr *Israel Christian*, Mr *John West*, Mr *Willis Riddick*, Mr *John Lee*, Mr *William Bradley*, Mr *John Upshaw*, Mr *John Harmanson*, Mr *David Mason*, Mr *James Littlepage*, Mr *Thomas Parramore*, Mr *Thomas Rutherford*, Mr *James Hamilton*, Mr *Josias Payne*, Mr *Thomas Harrison*, Mr *Thomas Marshall*, and Mr *Edmund Pendleton*.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Monday, the 13th of May, 5 Geo. III. 1765.

A Petition of *Thomas Godwin* and *John Reed*, Inspectors at *Milner's* Warehouses, in *Nansemond County*, praying that their Salaries may be augmented.

Ordered, That the said Petition do lie on the Table.

Mr *Pendleton*, from the Committee to whom the Bill To dock the Entail of certain Lands whereof *Harry Beverley*, Gent. is seized, and for settling Slaves to be purchased in Lieu thereof to the same Uses, was committed, reported that they had examined

ined into the Allegations thereof, and found them to be true, but had made no Amendments thereto.

Ordered, That the said Bill be engrossed, and read a third Time.

Mr *John Lee*, from the Committee to whom the Bill To vest certain Lands whereof *Rice Jones* is seized in Fee Taille in the Hon. *Richard Corbin*, Esq; in Fee Simple, and for settling Slaves to be annexed to other entailed Lands in Lieu thereof, was committed, 27 reported that they had examined into the Allegations thereof, and found them to be true, but had made no Amendments thereto.

Ordered, That the said Bill be engrossed, and read a third Time.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For directing the Collection of the Land Tax in the County of *Culpeper*, in Arrear for the Year 1759, and for other Purposes therein mentioned; and it is referred to Mr *Pendleton* to prepare and bring in the same.

An engrossed *Bill* entitled *An Act for increasing the Rewards given for killing of Wolves, to be paid by the respective Counties wherein the Services shall be performed*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Mercer* do carry it up to the Council for their Concurrence.

The House proceeded to the Consideration of the Amendments proposed by the Council to the Bill entitled *An Act to enable Tenants in Taille to make Leases of their Lands*, and the same being read were agreed to.

Ordered, That Mr *Edmund Pendleton* do go up to the Council and acquaint them therewith.

An engrossed *Bill* entitled *An Act to dock the Entail of 1973 Acres of Land in the Parish of Martin's Brandon, and County of Prince George, whereof Nathaniel Harrison is seized in Fee Taille, and for vesting the same in Trustees in Fee Simple, for the Uses therein mentioned*, was read a third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *Attorney* do carry it up to the Council for their Concurrence.

A *Message* from the Governour by Mr *Walthoe*,

That his Honour had just received a Letter from Col. Andrew Lewis, acquainting him of the ill Conduct of some of the Inhabitants of Augusta, in killing some of the Cherokee Nation of Indians, which he directed him to deliver to this House, and the same was read.

Ordered, That the said Letter do lie on the Table.

On a *Motion* made,

Resolved, That the killing the *Cherokee* Indians, as is mentioned in a Letter of Col. *Andrew Lewis*, to his Honour the Governour, which he has been pleased to lay before this House, is a flagrant Violation of the Treaties of Peace established and subsisting between his Majesty and the said *Indians*, and of the Laws of this Colony, and that the Offenders ought to be prosecuted with the utmost Severity.

Resolved, That an Address be presented to the Governour, to desire that he will be pleased to offer a considerable Reward for apprehending the said Assassins, that he will cause the Resolution of this House to be transmitted to the *Cherokees*, and assure them that every proper Step will be taken to bring the Offenders to Justice.

Ordered, That Mr *Attorney* do wait on his Honour with the said Address.

The Order of the Day being read for the House again to resolve itself into a Committee on the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Resolved, That this House will again resolve itself into a Committee on the said Bill To-morrow.

The Order of the Day being read for the House again to resolve itself into a Com- 28 mittee on the Bill For amending the Act entitled *An Act for directing the Trial of Slaves committing*

¹ Hening, VIII, p. 147.

² *Ibid.*, VIII, p. 183.

³ *Ibid.*, VIII, p. 174.

⁴ *Ibid.*, VI, p. 104.

committing Capital Crimes, and for the more effectual punishing Conspiracies and Insurrections of them, and for the better Government of Negroes, Mulattoes, and Indians, bond or free, the House immediately resolved itself into a Committee on the said Bill; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had gone through the said Bill, and had made some Amendments thereto which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

An Account of *Benjamin Powell* for repairing the Publick Gaol, was presented to the House and read.

Resolved, That he be paid the Sum of £388. 13. 8 Halfpenny, for repairing the Publick Gaol.

Ordered, That Mr *Attorney* do carry it up to the Council for their Concurrence.

An engrossed Bill entitled *An Act for establishing a Ferry from the Land of Thomas Shepherd at Mecklenburg, in Frederick County, to Maryland*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Attorney* do carry it up to the Council for their Concurrence.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Tuesday, the 14th of May, 5 Geo. III. 1765.

A Bill For the Sale of the uselefs military Stores in the Magazine in *Williamsburg*, was read a second Time, and committed to Mr *Attorney* and Mr *Mercer*.

A Petition of fundry Inhabitants of the Parish of *Truro*, praying a more equal Division of the said Parish.

Also several Petitions in Opposition thereto, were presented to the House and read.

Ordered, That the said Petitions be referred to the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereupon, to the House.

A Message from the Council by Mr *Walthoe*,

That they have agreed to the Bill entitled *An Act*² for opening and clearing a Road through *Swift Run Gap*, over the Mountains in *Augusta*.

Also to the Bill entitled *An Act*³ for further continuing the Act entitled *An Act* for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned.

Also to the Bill entitled *An Act*⁴ to oblige the Vestry of the Parish of *Nottoway* to refund to the Parish of *St. Luke* their Proportion of Money and Tobacco raised for repairing the Churches in the said Parish of *Nottoway* before the Division thereof.

Also to the Bill entitled *An Act*⁵ for increasing the Rewards given for killing Wolves, within certain Counties, to be paid by the respective Counties wherein the Services shall be performed.

²⁹ Also a Bill entitled *An Act*⁶ for allowing the full Fees to which the Lawyers practising in the several Courts of this Colony are entitled in particular Cases therein mentioned, to be taxed upon Recovery in the Bill of Costs.

Mr *Walker*, from the Persons to whom the Bill To amend an Act for raising a Publick Levy, and for other Purposes therein mentioned, was committed, reported that they had examined into the Allegations thereof, and found them to be true, and had made some Amendments thereto; which he read in his Place and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the House, with some Amendments.

Ordered

¹ Hening, VIII, p. 146.

² *Ibid.*, VIII, p. 152.

³ *Ibid.*, VIII, p. 186.

⁴ *Ibid.*, VIII, p. 177.

⁵ *Ibid.*, VIII, p. 147.

⁶ *Ibid.*, VIII, p. 184.

Ordered, That the said Bill with the Amendments, as agreed to, be engrossed, and read a third Time.

A *Message* from the Council by Mr *Walthoe*,

That they have agreed to the Bill entitled An Act¹ to dock the Entail of 1973 Acres of Land in the Parish of Martin's Brandon, in the County of Prince George, whereof Nathaniel Harrison is seized in Fee Taille, and for vesting the same in Trustees in Fee Simple for the Uses therein mentioned.

Also a Bill entitled An Act² for establishing a Ferry from the Land of Thomas Shepherd at Mecklenburg, in Frederick County, to Maryland.

Mr *Benjamin Harrison*, from the Committee of Trade, presented to the House, according to Order, a Bill To amend the Act for inspecting Pork, Beef, Flower, Tar, Pitch, and Turpentine; and the said Bill was read the first Time, and ordered to be read a second Time.

Mr *Attorney*, from the Committee of Propositions and Grievances, to whom the Bill For the more effectual and speedy Prosecution of Persons setting up Hedges or Stone Stops in the River *Pamunkey*, and for other Purposes therein mentioned, was committed, reported that the Committee had made no Amendments thereto; and then delivered the Bill in at the Table.

And the Question being put that the said Bill be engrossed and read a third Time, It passed in the Negative.

Resolved, That the said Bill be rejected.

He also reported, from the said Committee, that they had had under their Consideration divers Propositions and Petitions to them referred, and had come to several Resolutions thereupon; which he read in his Place, and then delivered them in at the Table, where they were again twice read, and agreed to, as follow:

Resolved, That the Petition of fundry Tanners, and others, concerned in the Leather Manufactures of this Colony, praying that they may be exempt from the Payment of Duties on the Exportations of such Hides only as they shall hereafter import, is reasonable.

Resolved, That the Petition of fundry Inhabitants of the Parishes of *Bromfield* and *St. Mark's*, in the County of *Culpeper*, praying that the said Parishes may be divided into three distinct Parishes, according to the Boundaries described in the said Petition, be rejected.

Resolved, That the several Petitions of fundry other Inhabitants of the said Parishes, in Opposition to the said Petition for a Division, are reasonable.

Ordered, That the said Committee do prepare and bring in a Bill pursuant to the first Resolution.

Mr *Littlepage* presented to the House, according to Order, a Bill To dock the Entail of 1500 Acres of Land whereof *Thomas Mann Randolph*, Gent. is seized, and for settling other Lands in Lieu thereof to the same Uses; and the said Bill was read the first Time, and ordered to be read a second Time.

On a *Motion* made,

Ordered, That it be an Instruction to the Persons to whom the Bill To prevent the raising of Hogs, and suffering them to run at large, in the Town of *Richmond*, is committed, to receive a Clause or Clauses to include the Town of *Portsmouth* and *Leeds Town*.

On a *Motion* made,

A Bill To dock the Entail of 1500 Acres of Land whereof *Thomas Mann Randolph*, Gent. is seized, and for settling other Lands in Lieu thereof to the same Uses, was read a second Time, and committed to Mr *Littlepage*, Mr *Moore*, and the Members of *Albemarle*.

An engrossed Bill entitled *An Act³ to vest certain Lands whereof Rice Jones is seized in Fee Taille, in the Hon. Richard Corbin, Esq; in Fee Simple, and for settling Slaves to be annexed to other entailed Lands in Lieu thereof*, was read a third Time.

Resolved

¹ Hening, VIII, p. 174.

² *Ibid.*, VIII, 146.

³ *Ibid.*, VIII, p. 159.

Resolved, That the said Bill do pass.

Ordered, That Mr *John Lee* do carry it up to the Council for their Concurrence.

The *Order* of the Day being read for the House to take into Consideration the Memorial of the Volunteers of *Virginia*, and the Letters from General *Gage*, and Col. *Bouquet*.

The House immediately resolved itself into a Committee on the said Memorial and Letters, and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the Committee had had the said Memorial under their Consideration, and had come to the following Resolutions:

Resolved, That the Memorial of the Officers and Volunteers who served in the Expedition against the *Shawanese*, under the Command of Col. *Bouquet*, ought to be rejected, they having no Claim against this Colony.

The *Order* of the Day being read for the House again to resolve itself into a Committee on the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Resolved, That this House will again resolve itself into a Committee on the said Bill Tomorrow.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Wednesday, the 15th of May, 5 Geo. III. 1765.

A N engrossed Bill entitled *An Act to dock the Entail of certain Lands whereof Harry Beverley, Gent. is seized and for settling Slaves to be purchased in Lieu thereof to the same Uses*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Edmund Pendleton* do carry it up to the Council for their Concurrence.

A *Petition* of sundry Inhabitants of *Elizabeth City County*, setting forth the Hardships and Inconveniences they must suffer in Case *Henry Allen* is permitted to build a Bridge over the fourth Branch of *Back River*, and praying that the said *Allen* may not be allowed.

Ordered, That the said *Petition* be referred to the Committee of Propositions and Grievances; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

31 Mr *Cary*, from the Committee of Claims, reported that they had had under their Consideration several *Petitions* to them referred, and had come to the following Resolutions thereupon as follow:

Resolved, That *William Winston, Jun.* ought to be allowed by the Publick the Sum of £25, for the Timber used in building a Fort, and the Damages done his Plantation by the Militia in his *Petition* mentioned.

Resolved, That the *Petition* of *John Patrick*, for a Horse impressed into the Service of the Colony in the Year 1761, be rejected, for Want of sufficient Proof.

Resolved, That the *Petition* of *Simon Powell*, of the *Orange Militia*, for Relief under an Indisposition caused by his Service on the Frontiers, be rejected.

On considering the *Petition* of Capt. *John Smith*, it appeared to your Committee that the said *Smith* was Captain of a Ranging Company, and taken Prisoner by the Enemy at *Vauff's Fort*, where he was stationed the 25th Day of *June*, 1756, and carried to *Canada*, from thence in a Cartel to *England*, where he got a Passage to *New York*, and returned Home to his Family in this Colony the 6th Day of *March*, 1758: That while he was a Prisoner in *Canada* he had the Sum of £57. 16. 3 current Money of *Virginia* advanced him by Col. *Schuyler*, which Sum hath been since paid the said *Schuyler* by this Colony.

Resolved

Resolved, That the said *John Smith* ought to be allowed his Pay of 10s. per Day from the Time he was taken Prisoner to his Return to his Family, amounting to £310, by the Publick.

Resolved, That the Sum of £57. 16. 3 ought to be reimbursed the Publick by the said *John Smith*, unless he makes it appear that the said Money was applied by him to the Support and Maintenance of the Prisoners of this Colony, in *Canada*.

Resolved, That the Petition of *Baldwin Dade* and *Thomas Bunbury*, Inspectors at *Boyd's Hole* Warehouse, to be paid for Tobacco stolen out of the said Warehouse, be rejected, it not appearing to this Committee that the said Warehouse was sufficiently secured at the different Times the several Hogheads of Tobacco were stolen.

On considering the *Petition* of *Job Parker*, it appeared to your Committee that a Horse belonging to the Petitioner, of the Value of 12 or 13 Pounds was impressed by Capt. *William Polson* of the *Virginia* Regiment, loaded, and carried away by him on his March to join the Troops under General *Braddock*: That the said Parker not being present when the Horse was impressed, and Capt. *Polson* and most of his Officers soon after killed in said *Braddock's* Engagement, it does not appear that an Certificate was ever given for the said Horse, and that all Expenses of Waggonage and Horses for that Expedition were paid by the Crown.

Resolved, That the said Petition be rejected, not being a proper Claim against this Colony; and the same being read were agreed to by the House, except the 4th and 5th Resolutions, which were ordered to be recommitted to the said Committee.

Mr *Attorney*, from the Committee of Propositions and Grievances, reported that they had, according to Order, examined into and stated an Account of the Expenses for the Attendance of Witnesses before the Commissioners in the Country, on the Information formerly exhibited to this House by Mr *Thomas Rutherford* against Col. *Adam Stephen*; and which he read in his Place, and then delivered it in at the Table, where it was again 32 twice read, and is as follows:

	Days Attendance.	Travelling. Miles	lbs. of Tobacco
To <i>James Holyday</i> , for.	3		75
<i>John Gaddis</i>	3		75
<i>Joseph M'Henry</i>	3		75
<i>Robert Cunningham</i>	1		25
<i>Jonathan Seaman</i>	4		100
<i>Thomas Parsons</i>	3 ♂	72	291
<i>John M'Culloch</i>	5 ♂	60	305
<i>Silas Hedges</i>	3 ♂	60	255
<i>John Wynn</i>	2 ♂	75	276
<i>Henry Enocks</i>	3 ♂	27	156
<i>Garrett Reafner</i>	3 ♂	50	225
<i>Abraham Hite</i>	2 ♂	72	266
<i>William Dark</i>	3 ♂	90	345
<i>Benjamin Kuykendall</i>	3 ♂	56	243
<i>Abraham Kuykendall</i>	3 ♂	56	243
<i>Nathaniel Kuykendall</i>	3 ♂	53	234
<i>Thomas Douthitt</i>	4 ♂	60	280
<i>James Slaughter</i>	2 ♂	60	230
<i>Samuel Blackwell</i>	4 ♂	75	325
<i>Charles Lynch</i>	5 ♂	75	350
<i>Jacob Castleman</i>	3 ♂	50	225
<i>Vincent Colvin</i>	3 ♂	50	225
Total.			4823

Ordered, That the said Account do lie on the Table.

He also reported that the said Committee had under their Consideration several Petitions of the Inhabitants of the Parishes of *Truro* and *Fairfax* to them referred, and had come to the following Resolutions thereupon; which he read in his Place, and then delivered in at the Table, where they were again read, and are as follow:

Resolved, That the Petition of fundry Inhabitants of the Parish of *Truro*, complaining of an Inequality in the late Division of the said Parishes, and praying that a new Division may be made, by the Line to begin at *Clifton's* or *Johnson's* Ferry, on *Potowmack* River, to run from thence over the Ford on *Dogue's* Run, where the back Road from *Colchester* to *Alexandria* crosses the same, and from thence to the Forks of *Difficult* Run, is reasonable.

Resolved, That so much of the Petitions of fundry Inhabitants of the said Parish of *Fairfax*, in Opposition thereto, as prays that if the said Parishes are to be divided it may be done by other Lines in the said Petition described, is reasonable.

The *first* Resolution being read a second Time, and the Question put that the House agree thereto,

It passed in the Negative.

Resolved, That the said Petition be rejected.

Ordered, That the said Committee do prepare and bring in a Bill pursuant to the last Resolution.

He also reported, from the said Committee, the Bill To amend the several Acts for obliging the Owners of Mills, Hedges, and other Stops on the several Rivers therein mentioned, to make Openings or Slopes therein for the Passage of Fish; and the same was read the first Time, and ordered to be read a second Time.

The *Order* of the Day being read for the House again to resolve itself into a Committee on the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Resolved, That this House will immediately resolve itself into a Committee on the said Bill.

Ordered, That the several Petitions that were ordered to lie on the Table, relative to the said Law, be referred to the said Committee.

And then the House resolved itself into a Committee on the said Bill and Petitions; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that they had had the same under their further Consideration, and had gone through the same, which he was ready to deliver in at the Table.

Ordered, That the said Report be received Tomorrow.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Thursday, the 16th of May, 5 Geo. III. 1765.

MR *Bradley*, from the Committee to whom the Bill To prevent the raising of Hogs, and suffering them to run at large, in the Town of *Richmond*, was committed, reported that the said Committee had made some Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

An engrossed Bill entitled *An Act for amending the Act entitled an Act for directing the Trial of Slaves committing Capital Crimes, and for the more effectual punishing Conspiracies and Insurrections of them, and for the better Government of Negroes, Mulattoes, and Indians, bond or free*, was read the third Time.

Resolved

Resolved, That the said Bill do pass.

Ordered, That Mr Attorney do carry it up to the Council for their Concurrence.

An engrossed *Bill* entitled *An Act to amend an Act for raising a Publick Levy, and for other Purposes therein mentioned*, was read a third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr Cary do carry it up to the Council for their Concurrence.

A Message from the Council by Mr Walthoe.

That they have agreed to the Bill For amending and declaring the Law concerning the Escape of Debtors out of Prison Rules, and for other Purposes therein mentioned, with an Amendment, to which they desire the Concurrence of this House.

Also to the Bill To dock the Entail of certain Lands whereof Harry Beverley, Gent. is seized, and for settling Slaves to be purchased in Lieu thereof to the same Uses.

Also to the Resolve for a new Publication of the Laws of this Colony.

34

Mr Cary, from the Committee of Claims, reported that the said Committee had had under their further Consideration the Petition of Capt. *John Smith*, to them recommitted, and had come to the following Resolutions thereupon; which he read, and then delivered them in at the Table, where they were again twice read, and agreed to by the House.

Resolved, That the said *John Smith* ought to be paid by the Publick the Sum of £83. 13. 9, being the Balance of his Pay of £241. 10, from the Time of his Captivity to his Return to his Family, deducting £100 received by the said *Smith* by the Vote of the House, and £57. 16. 3 received by him of Col. *Schuyler* in *Canada*, and repaid the said *Schuyler* by this Colony.

Resolved, That the said *John Smith* ought to be reimbursed the said Sum of £57. 16. 3 by the Publick, or so much thereof as he shall hereafter make appear was expended by him on Account of the Prisoners of this Colony in *Canada*.

Mr Attorney presented, according to Order, the Amendments made by the Committee of the whole House to the Bill For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Resolved, That this House will receive the same To-morrow.

Mr Cary, from the Committee of Claims, reported that the said Committee had had under their Consideration the Petition of *Isaac Perkins*, to them referred, praying to be allowed for two Years Rent of a House in *Winchester* while it was repairing, after being used as an Hospital for the *Virginia* Regiment, and had come to a Resolution thereupon; which he read in his Place, and then delivered in at the Table, where it was again twice read and agreed to by the House.

Resolved, That the said Petition be rejected, it appearing that the Petitioner hath already received full Satisfaction for all Damages done the said House while it was used as an Hospital for the Regiment.

Mr Attorney, from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration the Bill To prevent the Practice of selling Persons as Slaves that are not so, to them referred, and had made some Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

Mr Attorney, from the Committee of Propositions and Grievances, reported that the said Committee had had under their Consideration the Petition of *Henry Allen*, and sundry Inhabitants of the Counties of *Elizabeth City* and *York*, and also a Petition of divers other Inhabitants of the said County of *Elizabeth City* in Opposition thereto, to them referred, and had come to several Resolutions thereupon; which he read in his Place, and

then

then delivered in at the Table, where they were again twice read, and agreed to by the House, and are as follow:

Resolved, That the Petition of the said *Henry Allen*, and others praying that he may have Leave to build a Bridge over the south Branch of *Back River*, at his own Expence, and also a Fulling Mill and Grift Mill at the same Place, and that one Acre of Land on the north Side of the said Branch may be vested in him in Fee Simple for those Purposes, upon his paying the Proprietors thereof the full Value of the same, is reasonable.

Resolved, That the said Petition of fundry other Inhabitants of the said County of *Elizabeth City*, in Opposition thereto, be rejected.

35 *Ordered*, That the Committee of Propositions do prepare and bring in a Bill pursuant to the 1st Resolution.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Friday, the 17th of May, 5 Geo. III. 1765.

ORDERED, That Mr *Walke* have Leave to be absent the Remainder of this Session. A Petition of fundry Freeholders and others of the County of *Westmoreland*, praying that the Warehouses at *Stratford Landing* may not be discontinued, was presented to the House and read.

Ordered, That the Petition do lie on the Table.

Mr *Attorney*, from the Committee of the whole House, to whom the Bill For amending an Act entitled *An Act for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs*, was committed, reported, according to Order, that the said Committee, had made some Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the House, with some Amendments.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

A Message from the Council by Mr *Walthoe*.

That they have agreed to the Bill entitled An² Act to amend an Act for raising a Publick Levy, and for other Purposes therein mentioned.

Also to the Bill entitled An Act³ for amending the Act entitled an Act for directing the Trial of Slaves committing Capital Crimes, and for the more effectual punishing Conspiracies and Insurrections of them, and for the better Government of Negroes, Mulattoes, and Indians, bond or free, with some Amendments to which they desire the Concurrence of this House.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Saturday, the 18th of May, 5 Geo. III. 1765.

A Member returned on a new Writ, having taken the Oaths appointed to be taken by Act of Parliament, instead of the Oaths of Allegiance and Supremacy and taken and subscribed the Oath of Abjuration, and also subscribed the Test was admitted to his Place in the House.

A Petition of *Thomas Brown*, setting forth that he was a Soldier under Col. *George Washington*, and received many Wounds in the Service, which has occasioned the Loss of the Use of some of his Limbs, and praying the Consideration of this House, was presented to the House and read.

Ordered, That the said Petition be referred to the Committee of Claims; that they examine

¹ Hening, VIII, p. 69.

² *Ibid.*, VIII, p. 178.

³ *Ibid.*, VIII, p. 137.

examine into the Allegations thereof, and report the same with their Opinion thereon, to the House.

Mr *Wythe*, from the Committee to whom the Bill to vest certain Lands in *James Hubard*, and settling other Lands in Lieu thereof, was committed, reported that they had examined into the Allegations thereof, and found them to be true, but had made no Amendments thereto.

Ordered, That the said Bill be engrossed, and read a third Time.

Mr *Attorney*, from the Committee to whom the Bill For the Sale of the usefess military Stores in the Magazine in *Williamsburg*, was committed, reported that the said Committee had examined into the Allegations thereof, and found them to be true and, had made some Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

Mr *Henry Lee* reported that the Committee appointed had, according to Order, examined fundry enrolled Bills, and rectified such Mistakes as were found therein, and that they were truly enrolled.

Ordered, That Mr *Henry Lee* do carry them up to the Council for their Inspection.

Ordered, That Mefs. *Parramore*, *Dalby*, and *Harmanfon*, have Leave to be absent the Remainder of this Session.

The Claims of *John Buchanan*, *Walker Johnston*, and *John Tremble*, were severally presented to the House and read.

Ordered, That the said Claims be referred to the Consideration of the next Session of Assembly.

A Message from the Council by Mr *Walthoe*.

That they have inspected the enrolled Bills, and are satisfied they are truly enrolled.

A Message from the Governour by Mr *Walthoe*.

Mr *Speaker*,

The Governour commands the immediate Attendance of your House in the Council Chamber, and that you bring with you such Bills and Resolves as are ready for his Assent.

Mr *Speaker* with the House went up accordingly, and his Honour the Governour was pleased to give his Assent to the following publick and private Acts:

1. ¹ *An Act to amend an Act for raising a Publick Levy, and for other Purposes therein mentioned.*

2. ² *To enable Tenants in Taille to make Leases of their Lands.*

3. ³ *For further continuing the Act entitled An Act for the better regulating and collecting certain Officers Fees, and for other Purposes therein mentioned.*

4. ⁴ *For allowing the full Fees to which the Lawyers practising in the several Courts of this Colony are entitled, in particular Cases therein mentioned, to be taxed upon Recovery in the Bill of Costs.*

5. ⁵ *To oblige the Vestry of the Parish of Nottoway to refund to the Parish of St. Luke their Proportion of Money and Tobacco raised for repairing the Churches in the said Parish of Nottoway before the Division thereof.*

6. ⁶ *To dock the Entail of 1973 Acres of Land in the Parish of Martin's Brandon, in the County of Prince George, whereof Nathaniel Harrison is seized in Fee Taille, and for vesting the same in Trustees in Fee Simple for the Uses therein mentioned.*

And then the House adjourned until Monday Morning 10 o'Clock.

Monday

¹ Hening, VIII, p. 178.

² *Ibid.*, VIII, p. 183.

³ *Ibid.*, VIII, p. 186.

⁴ *Ibid.*, VIII, p. 184.

⁵ *Ibid.*, VIII, p. 177.

⁶ *Ibid.*, VIII, p. 174.

Monday, the 20th of May. 5 Geo. III. 1765.

A Member returned on a new Writ, having taken the Oaths appointed to be taken by Act of Parliament, instead of the Oaths of Allegiance and Supremacy, and taken and subscribed the Oath of Abjuration, and also subscribed the Test, was admitted to his Place in the House.

Ordered, That Mr Ward be added to the Committee of Claims, and Mr Henry to the Courts of Justice.

An engrossed Bill entitled *An Act to prevent the raising of Hogs, and suffering them to run at large, in the Town of Richmond*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr Bradley do carry it up to the Council for their Concurrence.

The House proceeded to the Consideration of the Amendment proposed by the Council to the Bill For amending the Act entitled *An Act for directing the Trial of Slaves committing Capital Crimes, and for the more effectual punishing Conspiracies and Insurrections of them, and for the better Government of Negroes, Mulattoes, and Indians, bond or free*, and the same being read, were agreed to.

Ordered, That Mr Attorney do go up to the Council, and acquaint them therewith.

An engrossed Bill entitled *An Act for enlarging the Jurisdiction of the Court of Hustings in the Borough of Norfolk*, was read the third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr Attorney do carry it up to the Council for their Concurrence.

An engrossed Bill entitled *An Act to prevent the Practice of selling Persons for slaves that are not so*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr Attorney do carry it up to the Council for their Concurrence.

An engrossed Bill entitled *An Act for the Sale of the useless Military Stores in the Magazine in Williamsburg*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr Attorney do carry it up to the Council for their Concurrence.

A Message from the Council by Mr Walthoe.

That they have agreed to the Bill entitled *An Act for enlarging the Jurisdiction of the Court of Hustings in the Borough of Norfolk*.

On a Motion made,

Resolved, That the Bill passed this Session For amending the Act entitled *An Act for raising a Publick Levy, and for other Purposes therein mentioned*, allows the People to pay Part of the said Levy in Money in different Proportions in several Counties, which from the Manner of proportioning the Levy could not otherwise be done, this House will at the Time of laying the next Levy adjust the said Relief, so as to extend it equally to all.

³⁸ A Bill To amend the several Acts for obliging the Owners of Mills, Hedges, and other Stops, on the several Rivers therein mentioned, to make Openings or Slopes therein for the Passage of Fish, was read a second Time, and committed to the Committee of Propositions and Grievances.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Tuesday

¹ Not in Hening.

² Hening, VI, p. 104.

³ *Ibid.*, VIII, p. 153.

⁴ *Ibid.*, VIII, p. 133.

⁵ *Ibid.*, VIII, p. 146.

⁶ *Ibid.*, VIII, p. 153.

⁷ *Ibid.*, VIII, p. 178

Tuesday. the 21st of May. 5 Geo. III. 1765.

AN engrossed Bill entitled *An Act for amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs*, was read the third Time, the Blanks therein filled up, and a Rider added.

Resolved, That the said Bill do pass.

Ordered, That Mr Attorney do carry it up to the Council for their Concurrence.

A Message from the Council by Mr Walthoe,

That they have agreed to the Bill entitled An Act to prevent the Practice of selling Persons for Slaves that are not so.

Also to the Bill entitled An Act to vest certain Lands whereof Rice Jones is seized in Fee Taille, in the Hon. Richard Corbin, Esq; in Fee Simple, and for settling Slaves to be annexed to other entailed Lands in Lieu thereof.

Mr Attorney, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill To empower Henry Allen to build a Bridge, and a Fulling and Grift Mill, on the fourth Branch of Back River, in the County of Elizabeth City.

Also a Bill entitled An Act for repealing an Act passed in the former Part of this present Session of Assembly entitled An Act for dividing the Parish of Truro, in the County of Fairfax, and for making a more equal Division of the said Parish; and the said Bills were read the first Time, and ordered to be read a second Time.

He also reported, from the said Committee, to whom the Bill entitled *An Act for the better Government of Servants and Slaves*, was committed, that the said Committee had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table where the Amendments were again twice read and agreed to with some Amendments by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

On a Motion made,

The Bill To empower Henry Allen to build a Bridge, and a Fulling and Grift Mill, on the fourth Branch of Back River, in the County of Elizabeth City, was read a second Time, and committed to the Committee of Propositions and Grievances.

On a Motion made,

The Bill entitled *An Act for repealing an Act passed in the former Part of this present General Assembly entitled An Act for dividing the Parish of Truro in the County of Fairfax and for making a more equal Division of the said Parish*, was read a second Time, and committed to the Committee of Propositions and Grievances.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Wednesday. the 22nd of May. 5 Geo. III. 1765.

39

APetition of Frances Ashby, setting forth that her deceased Husband Nimrod Ashby commanded a Company of Militia on the Frontiers in the Year 1763, and that he was under the Necessity to advance his own Credit to furnish the Militia with Clothes and other Things fit for the Service; that he employed certain Persons as Pilots or Runners, who with several others empowered him to draw their Pay which he did; and on his Return to the Frontiers was attacked by a Party of Indians, who murdered him and took from him all his Money, to the Amount of 66 or 67 Pounds, and praying the Relief of this House.

Resolved

¹ Not passed until Nov. 1766.

² Hening, VIII, p. 133.

³ *Ibid.*, VIII, p. 159.

⁴ *Ibid.*, VIII, p. 157.

⁵ *Ibid.*, VI, p. 256.

⁶ *Ibid.*, VIII, p. 157.

Resolved, That the said Petition be referred to the Consideration of the next Session of Assembly.

A *Petition* of *William Phillips*, praying a Consideration for his Services in attending the Volunteers in the Year 1755, was presented to the House and read.

Ordered, That the said Petition be referred to the Consideration of the Committee of Claims; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr *Cary*, from the Committee of Claims, presented to the House, according to Order, a Bill For appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned, with a Schedule annexed; and the same was read the first Time, and ordered to be read a second Time.

An engrossed *Bill* entitled *An Act to vest certain Lands therein mentioned in James Hubbard, and settling other Lands and Slaves in Lieu thereof*, was read a third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr *Wylhe* do carry it up to the Council for their Concurrence.

Mr *Attorney*, from the Committee of Propositions and Grievances, to whom the Bill To empower *Henry Allen* to build a Bridge, and a Fulling and Grift Mill, on the fourth Branch of *Back River*, in the County of *Elizabeth City*, was committed, reported that the Committee had made no Amendments thereto; and he delivered the Bill in at the Table.

And the Question being put that the said Bill be engrossed and read a third Time. It passed in the Negative.

Resolved, That the said Bill be rejected.

He also reported the *Bill* For exempting the Exporters of dressed Hides or Skins from the Payment of Duties for such as had been before imported; and the said Bill was read the first Time, and ordered to be read a second Time.

He also reported, from the said *Committee*, to whom the Bill entitled *An Act for repealing an Act passed in the former Part of this present Session of Assembly entitled An Act for dividing the Parish of Truro, in the County of Fairfax, and for making a more equal Division of the said Parish*, was committed, that the said Committee had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

40 *Ordered*, That the said Bill with the Amendments be engrossed, and read a third Time.

He also reported from the said *Committee*, to whom the Bill To amend the several Acts for obliging the Owners of Mills, Hedges, and other Stops, on the several Rivers therein mentioned, to make Openings or Slopes therein for the Passage of Fish, was committed, that the said Committee had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to with some Amendments by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

He also reported, from the said *Committee*, to whom the Bill For altering the Method of holding Courts in the County of *Amherst*, was committed, that the said Committee had made several Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to with some Amendments by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

An engrossed *Bill* entitled *An Act for the better Government of Servants and Slaves* was read the third Time, and the Blanks therein filled up.

Resolved

¹ Hening, VIII, p. 168.

² *Ibid.*, VIII, p. 157.

³ *Ibid.*, VIII, p. 135.

Resolved, That the said Bill do pass.

Ordered, That Mr Attorney do carry it up to the Council for their Concurrence.

A Bill To amend an Act for inspecting Pork, Beef, Flower, Tar, Pitch, and Turpentine, was read a second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

Mr Pendleton presented to the House, according to Order, a Bill To direct the Collection of the Land Tax in Arrear from Part of *Culpeper* County for the Year 1759, and for other Purposes therein mentioned; and the same was read the first Time, and ordered to be read a second Time.

Ordered, That the Call of the House be put off until To-morrow.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Thursday, the 23rd of May. 5 Geo. III. 1765.

FOUR new *Members* being returned upon new Writs, having taken the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Allegiance and Supremacy, and taken and subscribed the Oath of Abjuration, and also subscribed the Test, were admitted to their Places in the House.

Mr Attorney, from the Committee of Propositions and Grievances, presented to the House, according to Order, a Bill To empower the Treasurer to receive the Money due from the Province of *Pennsylvania* to this Colony; and the said Bill was read the first Time, and ordered to be read a second Time.

An engrossed Bill entitled *An Act for dividing the Parish of Truro in the County of Fairfax, and for making a more equal Division of the said Parish*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr West do carry it up to the Council for their Concurrence.

On a Motion made,

Ordered, That Leave be given to bring in a Bill To oblige *Joseph Rentfro*, and others, to pay to the Treasurer of this Colony the several Sums of Money therein mentioned; and it is referred to Mr Cary to prepare and bring in the same.

On a Motion made,

Ordered, That Leave be given to bring in a Bill For continuing the Act for appointing an Agent, and two other Acts therein mentioned; and it is referred to Mr Cary to prepare and bring in the same.

Mr Pendleton, from the Committee appointed to examine the Treasurer's Accounts, reported that in the Accounts of the Duty on Liquors rendered by the Naval Officers, it appears that the Drawback of the said Duty hath been allowed on several Quantities of Rum, as exported, which they have Reason to believe was sold and consumed on board his Majesty's Ships, and other Vessels in this Colony, but which they cannot ascertain, for Want of the Certificates on which such Drawbacks were allowed: They therefore desire the Direction of the House herein.

On a Motion made,

Ordered, That Leave be given to bring in a Bill To prevent Frauds in the Drawback of the Duties on Liquors imported into this Colony, and it is referred to the Committee of Trade to prepare and bring in the same.

A Petition of *Henry Delony*, complaining of an undue Election and Return of Mr *Edmund Taylor* from the County of *Mecklenburg*, was presented to the House and read.

Ordered, That the said Petition be referred to the Committee of Privileges and Elections; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

Mr Cary, from the Committee of Claims, reported that the Committee had had under their

their Consideration several Petitions to them referred, and had come to several Resolutions thereupon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Petition of *Thomas Brown*, a wounded Soldier, is reasonable, and that he ought to be allowed by the Publick the Sum of £20 for his present Relief, and the Sum of £5 per Annum during Life.

Resolved, That the Petition of *William Phillips*, to be allowed for his Services in the Defence of the Frontiers of this Colony as a Volunteer, be rejected, being no Claim against the Colony.

He also reported, from the said *Committee*, fundry Claims for the Pay and Expenses of the Militia of different Counties, which had been rejected by the said *Committee*.

Ordered, That the said Claims do lie on the Table.

A *Bill* For giving further Time for the hearing Chancery Suits brought in the General Court of this Colony, and for other Purposes therein mentioned, was read a second Time;

And the Question being put that the said *Bill* be engrossed and read a third Time, It passed in the Negative.

Resolved, That the said *Bill* be rejected.

Ordered, That the Call of the House be put off until To-morrow.

On a *Motion* made,

Resolved, That this House will resolve itself into a *Committee* to take into their Consideration the present State of the Colony immediately.

42 The House accordingly resolved itself into the said *Committee*; and after some Time spent therein, Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the *Committee* had had the State of the Colony under their Consideration, and had come to several Resolutions, which he was ready to deliver in at the Table.

Ordered, That the said Report be received To-morrow.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Friday, the 24th of May, 5 Geo. III. 1765.

MR *Attorney*, from the *Committee* of Propositions and Grievances, to whom the *Bill* For clearing the great Falls of *James River*, the River *Chickahominy*, and the north Branch of *James River*, was committed, reported that the said *Committee* had examined into the Allegations thereof, and found them to be true, and had made some Amendments thereto; which he read in his Place, and then delivered the *Bill* with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said *Bill* with the Amendments be engrossed, and read a third Time.

Mr *Cary* presented to the House, according to Order, a *Bill* For continuing the Act for appointing an Agent, and two other Acts therein mentioned; and the said Bills were read the first Time, and ordered to be read a second Time.

A *Message* from the Council by Mr *Waltheo*.

That they have agreed to the Bill entitled An Act¹ for amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Also to the Bill entitled An Act² for the better Government of Servants and Slaves, with some Amendments, to which they desire the Concurrence of this House.

Also to the Bill entitled An Act³ for the Sale of the useless military Stores in the Magazine in Williamfburg.

Also

¹ Not passed until Nov. 1766.

² Hening, VIII, p. 135.

³ *Ibid.*, VIII, p. 146.

Also to the Bill entitled An Act¹ to vest certain Lands therein mentioned in James Hubard, and settling other Lands and Slaves in Lieu thereof.

Also to the Bill entitled An Act² for repealing an Act passed in the former Part of this present Session of Assembly entitled An Act for dividing the Parish of Truro in the County of Fairfax, and for making a more equal Division of the said Parish.

Mr Attorney reported, according to Order, that the Committee of the whole House had, according to Order, taken into their Consideration the State of the Colony, and had come to several Resolutions thereupon; which he read in his Place, and then delivered them in at the Table, where they were again twice read, and agreed to as follow:

Resolved, That in Order to call in the Paper Money, and substitute another circulating Cash in this Colony, Proposals be made to the Merchants or others in *Great Britain* for borrowing of them the Sum of £240,000 Sterling, at an Interest of five per Cent. per Annum.

Resolved, That in Order to pay the annual Interest, and sink the Principal in Proportions of not less than £20,000 a Tax or Duty of ten Shillings Sterling per Hoghead to be laid on all Tobacco exported from *October 1st 1766*, to *October 1st 1775*, and a Tax or Duty of six Shillings Sterling per Hoghead on all Tobacco exported from *October 1st 1775*, to *October 1st 1795*, to be collected by the Naval Officers here and remitted to Trustees to be chosen in *Great Britain*, to answer such Payments, this Fund to be mortgaged to the Lenders, and the publick Faith engaged to make good any Deficiencies that may happen therein.

Resolved, That the said Tax or Duty be redeemable by the Payment of other Money remitted to and paid in *Great Britain*, which may arise from the Receipt of Interest annually, and Proportions of Principal of Money to be lent in this Colony, as hereafter directed.

Resolved, That for £100,000 of the Money so to be borrowed Bills of Exchange be drawn in such Mode as shall be agreed on between the Colony and the Lenders, and therewith all the Paper Money be redeemed and burnt.

Resolved, That the remaining £140,000 Sterling be imported in Specie, or drawn for by Bills of Exchange, to be sold for Specie (as shall be found most convenient) and deposited here as a Stock whereon to circulate Bank Notes, to be lent out on permanent Security, at an Interest of five per Centum, to be paid yearly, a Proportion of the Principal at the End of four Years, another Proportion at the End of five Years, and afterwards by equal Payments once in four Years, until the whole be repaid.

Resolved, That the Tax on Tobacco being the only Security on which the Money can be raised, as is supposed, the same is adopted; but being partial and unjust, in Respect to the People here, in Order to repay so much thereof as exceeds the present Tax on that Commodity to the Makers, a Tax of three Shillings per Poll annually be laid from *April 1767* to *April 1769*, inclusive: And also a Tax of three Shillings and Sixpence per Poll annually, from *April 1770* to *April 1775* inclusive, and applied to the Purpose of such Payment; from which Time the Tobacco Tax will be reduced to three Shillings Sterling per Hoghead, instead of three Shillings current Money, to the Year 1779, when the Money borrowed in *Great Britain*, and Interest, will be paid off, and the Tax to cease.

Resolved, That on the Commencement of these Taxes, the present subsisting Taxes on the Poll, Land, and Tobacco, and the Inspection Duty of three Shillings current Money per Hoghead on Tobacco, shall be discontinued.

Ordered, That Mr Attorney do go up to the Council to acquaint them that this House have come to the foregoing Resolutions, to which they desire their Concurrence; and further, that they desire a Conference with them on the Subject Matter of the said Resolutions, and will appoint a certain Number of their Members to meet such as shall be appointed by the Council for that Purpose.

Ordered, That Mr Attorney, Mr Edmund Pendleton, Mr Cary, Mr Benjamin Harrison,

Mr

¹ Hening, VIII, p. 168.

² *Ibid.*, VIII, p. 157.

Mr *Burwell*, Mr *Braxton*, and Mr *Fleming*, be appointed Managers for this House at the said Conference.

A *Petition* of *John Elliott*, setting forth that he has for many Years been acquainted with the Laws, and all Kinds of Venereal Cafes, and that he has an infallible Secret for curing those inveterate Disorders, which he is ready to disclose to the Publick, upon receiving a proper Reward for making a Discovery.

And the Question being put that the said *Petition* be referred to a Committee, It passed in the Negative.

Resolved, That the said *Petition* be rejected.

44 The House proceeded to the Consideration of the Amendments proposed by the Council to the Bill entitled *An Act for amending and declaring the Law concerning the Escape of Debtors out of the Prison Rules, and for other Purposes therein mentioned*; and the same being read were agreed to, with some Amendments.

Ordered, That Mr *Fleming* do go up to the Council and acquaint them that this House have agreed to the Amendments proposed by them to the said Bill, with some Amendments, and to desire they will pass the said Bill as it is now amended.

The House also proceeded to the Consideration of the Amendments proposed by the Council to the Bill entitled *An Act for amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs*; and the same being read Part of the Amendments were agreed to, and Part disagreed to.

Ordered, That Mr *Attorney* do go up to the Council and acquaint them that this House have agreed to some of the Amendments proposed by them to the said Bill, and disagreed to others, and do desire they will recede from their Amendments disagreed to by this House.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Saturday, the 25th of May, 5 Geo. III. 1765.

TWO Members returned on new Writs, having taken the Oaths appointed to be taken by Act of Parliament, instead of the Oaths of Allegiance and Supremacy, and taken and subscribed the Oaths of Abjuration, and also subscribed the Test, were admitted to their Places in the House.

Mr *Harrison*, from the Committee of Trade, presented to the House, according to Order, a Bill to prevent Frauds in the Drawback of the Duties on Liquors imported into this Colony; and the same was read the first Time, and ordered to be read a second Time.

An engrossed Bill entitled *An Act to amend the several Acts for obliging the Owners of Mills, Hedges, and other Stops, on the several Rivers therein mentioned, to make Openings or Slopes therein for the Passage of Fish*, was read the third Time and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Attorney* do carry it up to the Council for their Concurrence.

A Message from the Council by Mr *Walthoe*.

That they have considered the Petition of William O'Bryan to them directed, and have referred it to the Consideration of this House; and the said *Petition* was read, and is as follows:

To the Hon. *Francis Fauquier*, Governour of *Virginia*, and the Hon. Council and Burgeffes of *Virginia*:

The *Petition* of *William O'Bryan Goff*, Branch Pilot on *Potowmack* River, *Westmoreland* County, with others,

Humbly Sheweth:

That

¹ Hening, VIII, p. 118.

² Not passed until Nov. 1766.

³ Not passed until Nov. 1769.

That we are obliged to attend off with our Boats, waiting for the coming in of Shipping, and sometimes the Master refuses taking a Pilot, and will run over to Maryland and take a Pilot there, because they may have a Trifle of Tobacco to take in there, which is a Detriment to a Branch Pilot. If the Master takes a Branch Pilot, and he carries the Ship up to her Moorings, he will refuse to pay him until he brings the Ship down again, because he will say 45 he will be sure of him; and as it is impossible that the Pilot should know when the Ship is ready to fail, and the Master neglects to send him word, he will then get some other Person to bring down the Ship, and so goes out of the Country without paying us for carrying the Vessel up the River, and perhaps never returns again, by which Means we lose our Fees. If he comes back again, we have no Remedy but to sue him at Common Law, where we must be obliged to lose our Time, and neglect our Business in attending the Court, by which we are at more Expence than the Value of our Fee. Another great Hardship on Pilots is, that when they carry a Vessel down to the Capes, the Masters will say they have no Money and very often abuse them and offer them an Order on some Gentleman or Merchant in the Country, which we are under the Necessity of taking (because we have no Remedy in that Place) and when carried and presented perhaps may be protested. The Masters of Vessels are backward in taking a Pilot down the Bay in Summer Season, but very fond of it in Winter, where we must be obliged to attend them with our Boats, and have no Harbour to make, let the Weather be never so severe, when we part with the Ship; for which Reason we would sooner carry a Ship down the Bay for £5 in the Summer Season, than for £10 in the Winter. So that we hope you will oblige them to take a Pilot down in Summer Season, or else add more to our Bay Pilotage in the Winter Season. It is a Practice too common among Masters of Vessels to take a Pilot that has not a Branch, because they will pay but Half Price, and perhaps take a Receipt of the Person, and put one of most able and sufficient Branch Pilots Name to it, and charge the Owners with whole Pilotage. And if a Branch Pilot was to make a just Complaint against one of those other Pilots for not keeping a sufficient Boat and Rigging, according as the Law directs, he can get no Remedy, because he is worth nothing; for which the Masters of Vessels run a great Hazard in taking such a One, and it is a great Hurt to a Branch Pilot, who is obliged to keep his Boat and Rigging in good Order, and be lying out and waiting for Ships coming in. Another great Hardship on Branch Pilots is that they shall be obliged to attend with their Boats as aforesaid, and when they come on board of a Ship the master thereof shall, if he please, turn him away and take another, or go up the River without any Pilot at all. It would be very necessary that our Bay Pilots should come up as high as the Naval Office, and that Place be established for the Beginning of the River Pilots. And for the better securing our Pay, we hope it may be ordered that it may be left at the Naval Office, and the Officer have such a per Cent. as shall be thought proper for receiving the same, and not be allowed to clear out the Vessel until the same is discharged. By the first Clause in the Act of Assembly concerning Pilotage, it is ordered that a Person shall be examined by three Magistrates as to their Ability before they shall be admitted to a Branch, but to me it would seem more proper they should be examined by Persons that are more fit Judges than it is possible to think those Gentlemen can be, and if it was ordered that one or more of the Magistrates should swear the most able and sufficient Pilot they know to examine the others, it would be a Means of preventing some from that Place which are really not worthy of it. If we carry a Ship down the River to Smith's Point, which is the End of our River Pilotage, and the Wind happens to be contrary, the Masters of Vessels will not discharge us, though we are within a Mile or two of going as far as is required, but will keep us there waiting until the Wind serves, and will not make us any Satisfaction for the Loss of Time, but tell us that if we leave them they will pay us nothing; and perhaps whilst we are waiting there another Ship 46 is coming up the River, and we dare not leave them to go to the Ship that is coming, by which Means we lose that Fee.

We hope your Honour will take these Things into your Consideration, and regulate them in a more proper Manner; and your Petitioners shall be in Duty bound to pray, &c,
William O'Bryan Goff.
George Goff.
Winson Kelly.

We beg that you will consider the Hardships that we must undergo in going down the Bay in the Winter Season, for so small a Trifle as we get for it, especially in stormy Weather, when those that are in their Houses think themselves in Danger; and what must we think of it in our little decked Boats in such a bleak Place, a Thing that I have often experienced in the Time that I have followed the Pilot Buifnefs, which has been Thirty Four Years.

William O'Bryan Goff.

Ordered, That the said Petition be referred to the Consideration of the next Session of Assembly.

Mr Cary presented to the House, according to Order, a Bill To oblige *Joseph Rentfro*, and others, to pay to the Treasurer of this Colony the several Sums of Money therein mentioned; and the said Bill was read the first Time, and ordered to be read a second Time.

An Account of the Damage done by the *Virginia* Regiment on the Plantations of *William* and *John Montgomery*, was presented to the House and read.

Ordered, That the said Account be referred to the Consideration of the next Session of Assembly.

An engrossed Bill entitled *An Act for inspecting Pork, Beef, Flower, Tar, Pitch, and Turpentine*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Benjamin Harrison* do carry it up to the Council for their Concurrence.

A Message from the Council by Mr *Walthoe*.

That they insist on their Amendments disagreed to by this House to the Bill entitled An Act² for amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs, and to desire that this House will recede from their Disagreement.

That they have agreed to the Amendments proposed to the Bill entitled An Act³ for amending and declaring the Law concerning the Escape of Debtors out of the Prison Rules, and for other Purposes therein mentioned.

As also to the Conference desired by this House, and have appointed three of the Members to manage the same, who are now ready in the Conference Chamber to meet the Managers appointed by this House.

Ordered, That the Managers appointed by this House do immediately attend those of the Council in the Conference Chamber, and they accordingly withdrew.

A Bill To empower the Treasurer to receive the Money due from the Province of *Pennsylvania* to this Colony, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A Bill For continuing the Act for appointing an Agent, and two other Acts therein mentioned, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

⁴⁷ A Bill For exempting the Exporters of dressed Hides or Skins from the Payment of Duties for such as had been before imported, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A Bill To direct the Collection of the Land Tax in Arrears from Part of *Culpeper* County

¹ Hening, VIII, p. 143.

² Not passed until Nov. 1766.

³ Hening, VIII, p. 118

County for the Year 1759, and for other Purposes therein mentioned, was read a second Time, and committed to Mr *Cary*, Mr *Read*, and Mr *Carrington*.

On a *Motion* made,

Ordered, That it be an Instruction to the said Committee that they receive a Clause, or Clauses, for obliging the Sheriff of *Lunenburg* to pay to the Justices of *Charlotte* and *Mecklenburg* their Proportions of the Tobacco due to the County of *Lunenburg* by the last Proportions, for their Expenses on Criminals and Wolves Heads.

The House proceeded to the Consideration of the Amendments proposed and insisted on by the Council to the Bill entitled *An Act for amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs*, and receded from Part of their Disagreement to the said Amendment, and insist on the other.

Ordered, That Mr *Attorney* do wait on the Council and acquaint them therewith.

An Act for appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned, was read a second Time, and some Amendments made thereto.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To revive and amend *An Act entitled An Act for establishing a Trade with the Indians in Alliance with his Majesty*, and also to amend one other Act for directing the Trustees of the *Indian Factory of Virginia* to sell the Goods imported by them, and to pay the Money arising by such Sale into the Treasury for the Use of the Publick; and it is referred to Mr *Archibald Cary* and Mr *Thomas Walker* to prepare and bring in the same.

A Message from the Council by Mr *Waltheof*.

That they have receded from their Amendments proposed to the Act For amending and further continuing the several Acts of Assembly of this Colony for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs.

Mr *James Littlepage* reported that the Committee to whom the Bill To dock the Entail of 1500 Acres of Land whereof *Thomas Mann Randolph*, Gent. is seized, and for settling other Lands in Lieu thereof to the same Purposes, was referred, had examined into the Allegations thereof, and found them to be true, and had made several Amendments thereto; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

And then the House adjourned until Monday Morning 10 o'Clock.

Monday, the 27th of December, 5 Geo. III. 1765.

48

AN engrossed Bill entitled *An Act for appointing an Agent*, and two other Acts therein mentioned, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered, That Mr *Cary* do carry it up to the Council for their Concurrence.

Mr *Cary*, from the Committee to whom the Bill To direct the Collection of the Land Tax in Arrear from Part of *Culpeper* County for the Year 1759, and for other Purposes therein mentioned, was committed, reported that they had made some Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where they were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

An

¹ Not passed until Nov. 1766.

² Hening, VII, p. 116.

³ *Ibid.*, VIII, p. 118.

An engrossed *Bill* entitled *An Act¹ for exempting the Exporters of dressed Hides or Skins from the Payment of Duties* for such as had been before imported, was read the third Time.

Resolved, That the said *Bill* do pass.

Ordered, That *Mr Attorney* do carry it up to the Council for their Concurrence.

An engrossed *Bill* entitled *An Act² to empower the Treasurer to receive the Money due from the Province of Pennsylvania to this Colony*, was read the third Time.

Resolved, That the said *Bill* do pass.

Ordered, That *Mr Attorney* do carry it up to the Council for their Concurrence.

An engrossed *Bill* entitled *An Act³ to dock the Entail of 1500 Acres of Land whereof Thomas Mann Randolph, Gent. is seized, and for settling other Lands in Lieu thereof to the same Purposes*, was read the third Time.

Resolved, That the said *Bill* do pass.

Ordered, That *Mr James Littlepage* do carry it up to the Council for their Concurrence.

An engrossed *Bill* entitled *An Act⁴ for altering the Method of holding Courts in the Counties of Amherst, Albemarle, Augusta, Buckingham, Cumberland, and Chesterfield*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That *Mr Fleming* do carry it up to the Council for their Concurrence.

An engrossed *Bill* entitled *An Act⁵ for appointing Commissioners to examine and State the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That *Mr Attorney* do carry it up to the Council for their Concurrence.

An engrossed *Bill* entitled *An Act⁶ for clearing the great Falls of James River, the River Chickahominy, and the north Branch of James River*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That *Mr Attorney* do carry it up to the Council for their Concurrence.

49

A *Petition* of *Peter Pelham*, setting forth that the Organ in *Williamsburg* had been much out of Order, and almost unfit for Use, and that he has with great Labour and Expence repaired and tuned the same; and praying the Consideration of this House, was presented to the House and read.

Ordered, That the said *Petition* be referred to *Mr Archibald Cary*, *Mr Francis Lee*, and *Mr John Fleming*; that they examine into the Allegations thereof, and report the same, with their Opinion thereon, to the House.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Tuesday, the 28th of May, 5 Geo. III. 1765.

A *Bill* To prevent Frauds in the Drawback of the Duties on Liquors imported into this Colony, was read the second Time,

Ordered, That the said *Bill* be engrossed, and read a third Time.

A *Bill* To oblige *Joseph Rentfro*, and others, to pay to the Treasurer of this Colony the several Sums of Money therein mentioned, was read the second Time.

Ordered, That the said *Bill* be engrossed, and read a third Time.

A *Message* from the Council by *Mr Walthoe*.

That they have agreed to the Bill entitled *An Act⁷ to empower the Treasurer to receive the Money due from the Province of Pennsylvania to this Colony.*

Also to the Bill entitled *An Act⁸ for inspecting Pork, Beef, Flower, Tar, Pitch, and Turpentine.*

Also

¹ Hening, VIII, p. 142.

² *Ibid.*, VIII, p. 145.

³ *Ibid.*, VIII, p. 161.

⁴ Not in Hening.

⁵ Hening, VIII, p. 124.

⁶ *Ibid.*, VIII, p. 148.

⁷ *Ibid.*, VIII, p. 145.

⁸ *Ibid.*, VIII, p. 143.

Also to the Bill entitled An Act¹ for clearing the great Falls of James River, the River Chickahominy, and the north Branch of James River.

Also to the Bill entitled An Act² for exempting the Exporters of dressed Hides or Skins from the Payment of Duties for such as had been before imported.

Also to the Bill entitled An Act³ to dock the Entail of 1500 Acres of Land whereof Thomas Mann Randolph, Gent. is seized, and for settling other Lands in Lieu thereof to the same Purposes.

Also to the Bill entitled An Act⁴ for appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned.

Mr Cary, from the Persons appointed, reported, according to Order, a Bill To revive and amend *An Act entitled an Act⁵ for establishing a Trade with the Indians in Alliance with his Majesty*, and also to amend one other Act for directing the Trustees of the Indian Factory of Virginia to sell the Goods imported by them, and to pay the Money arising by such Sale into the Treasury for the Use of the Publick; and the said Bill was read the first Time, and ordered to be read a second Time.

Mr Attorney reported that the Managers for the House had according to Order met the Managers for the Council in the Conference Chamber, who had acquainted them that the Council had considered the Resolutions of this House, and could not agree to them, and directed that the same should be returned to this House.

On a Motion made,

Ordered, That Leave be given to bring in a Bill To repeal so much of the Act of Assembly made in the fourth Year of his present Majesty's Reign, entitled *An Act⁶ for appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned*, as allows a Bounty of 40s. to every Person who will voluntarily engage in the Service of the Colony; and it is referred to Mr Cary and Mr Richard Lee to prepare and bring in the same.

On a Motion made,

A Bill To revive and amend *An Act⁷ entitled an Act for establishing a Trade with the Indians in Alliance with his Majesty*, and also to amend one other Act for directing the Trustees of the Indian Factory of Virginia to sell the Goods imported by them, and to pay the Money arising by such Sale into the Treasury for the Use of the Publick; was read a second Time, and committed to the Committee of Propositions and Grievances.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Wednesday, the 29th of May. 5 Geo. III. 1765.

MR Cary reported that the Committee appointed to examine the Treasurer's Accounts had had the same under their Consideration, and examined all the several Articles and Vouchers thereof, and have agreed upon a Report as follows:

It appears that the said *Accounts* are truly stated, and that there remains a Balance in the Hands of the Treasurer of £10,068.3. 9 on the Publick Account.

That there remains in the Treasurer's Hands a Balance of £46,985. 2 for the Duty on Tobacco, the Land and Poll Tax, the Tax on Writs, and Ordinary Licenses, and the additional Duty on Slaves.

That burnt Tobacco Notes, not yet taken in, amount to £412.

That the *Fund* appropriated for the Redemption of Notes bearing Interest is all applied in such Redemption, and there remains due to the Treasurer on that Account a Balance of £21. 1. 6.

That

¹ Hening, VIII, p. 148.

² *Ibid.*, VIII, p. 142.

³ *Ibid.*, VIII, p. 162.

⁴ *Ibid.*, VIII, p. 124.

⁵ *Ibid.*, VII, p. 116.

⁶ *Ibid.*, VIII, p. 124.

⁷ *Ibid.*, VII, p. 116

That there ftill remains in the Treafurer's Hands £2500, the Balance due to the Commiffioners of the *Indian Trade*.

That there is a *Balance* of £9.19.3 due to the Treafurer on the Account of Money received for Bills of Exchange drawn on the Colony Agent in *Great Britain* purfuant to Acts of Affembly, and the Treafury Notes emitted in *April 1762*.

Resolved, That the faid Accounts do pafs.

Ordered, That Mr *Cary* do carry them up to the Council for their Concurrence.

Mr *Attorney*, from the Committee of Propositions and Grievances, to whom the Bill To revive and amend *An Act¹ entitled an Act for eftablifhing a Trade with the Indians in Alliance with his Majefty*, and alfo to amend one other Act for directing the Truftees of the *Indian Factory of Virginia* to fell the Goods imported by them, and to pay the Money arifing by fuch Sale into the Treafury for the Ufe of the Publick, was committed, reported that they had examined into the Allegations thereof, and found them to be true, and had made fome Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to by the Houfe.

Ordered, That the faid Bill with the Amendments be engroffed, and read a third Time.

Mr *Cary* prefented to the Houfe, according to Order, a Bill To veft certain Lots in the City of *Williamsburg* in the Purchafers thereof, and for other Purpofes therein mentioned, and the faid Bill was read the firft Time, and ordered to be read a fecond Time.

51 On a *Motion* made,

Ordered, That Leave be given to bring in a Bill For the Eafe and Relief of the People by paying the Burgeffes Wages in Money for the laft and prefent Seffion of Affembly, and it is referred to Mr *Fleming* and Mr *Cary* to prepare and bring in the fame.

An engroffed *Bill* entitled *An Act² to direct the Collection of the Land Tax in Arrear from Part of Culpeper County for the Year 1759, and for other Purpofes therein mentioned*, was read the third Time, and the Blanks therein filled up.

Resolved, That the faid Bill do pafs.

Ordered, That Mr *Read* do carry it up to the Council for their Concurrence.

An engroffed *Bill* entitled *An Act³ to oblige Jofeph Rentfro, and others, to pay to the Treafurer of this Colony the feveral Sums of Money therein mentioned*, was read a third Time.

Resolved, That the faid Bill do pafs.

Ordered, That Mr *Cary* do carry it up to the Council for their Concurrence.

On a *Motion* made,

A *Bill* To veft certain Lots in the City of *Williamsburg* in the Purchafers thereof, and for other Purpofes therein mentioned, was read the fecond Time, and committed to Mr *Attorney*, Mr *Wythe*, and the Members of *York* and *James City* Counties.

An engroffed *Bill* entitled *An Act⁴ to prevent Frauds in the Drawback of the Duties on Liquors imported into this Colony*, was read the third Time.

Resolved, That the faid Bill do pafs.

Ordered, That Mr *Cary* do carry it up to the Council for their Concurrence.

Mr *Cary*, from the Committee to whom the Petition of *Peter Pelham* was referred, reported that they had examined into the Allegations thereof, and found them to be true, and that they had come to a Refolution; which he read in his Place, and then delivered in at the Table, where it was again twice read, and agreed to by the Houfe, as follows:

Resolved, That the faid *Peter Pelham* ought to be paid by the Publick the Sum of £50, for repairing the Organ in the Church in *Williamsburg*.

Mr *Cary*, from the Perfons appointed, reported, according to Order, a Bill To repeal fo much of the Act of Affembly made in the fourth Year of his prefent Majefty's Reign, entitled *An Act⁵ for appointing Commiffioners to examine and ftate the Accounts of the Militia lately ordered out into actual Service*, and for other Purpofes therein mentioned, as

allows

¹ Hening, VII, p. 116.

² *Ibid.*, VIII, p. 139.

³ *Ibid.*, VIII, p. 172.

⁴ *Ibid.*, VIII, p. 112.

⁵ *Ibid.*, VIII, p. 10.

allows a Bounty of 40s. to every Person who will voluntarily engage in the Service of the Colony; and the said Bill was read the first Time, and ordered to be read a second Time.

On a *Motion* made,

Resolved, That the House resolve itself into a Committee of the whole House immediately, to consider of the Steps necessary to be taken in Consequence of the Resolutions of the House of Commons of *Great Britain* relative to the charging certain Stamp Duties in the Colonies and Plantations in *America*.

The House accordingly resolved itself into the said Committee, and after some Time spent therein Mr *Speaker* resumed the Chair, and Mr *Attorney* reported that the said Committee had had the said Matter under their Consideration, and had come to several Resolutions thereon, which he was ready to deliver in at the Table. 52

Ordered, That the said Report be received Tomorrow.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Thursday, the 30th of May, 5 Geo. III. 1765.

ORDERED, That Mr *Read*, Mr *Carrington*, Mr *William Taylor*, and Mr *Robert Munford*, be added to the Committee appointed to examine the enrolled Bills.

A Bill To repeal so much of the Act of Assembly made in the fourth Year of his present Majesty's Reign, entitled *An Act for appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned*, as allows a Bounty of 40s. to every Person who will voluntarily engage in the Service of the Colony, was read the second Time.

Ordered, That the said Bill be engrossed, and read a third Time.

A Message from the Council by Mr *Waltheof*.

That they have agreed to the Bill entitled An Act to prevent Frauds in the Drawback of the Duties on Liquors imported into this Colony.

Also to the Bill entitled An Act to³ oblige Joseph Rentfro, and others, to pay to the Treasurer of this Colony the several Sums of Money therein mentioned.

Also to the Bill entitled An Act⁴ to direct the Collection of the Land Tax in Arrear from Part of Culpeper County for the Year 1759, and for other Purposes therein mentioned.

Also to the Resolve For making an Allowance to Thomas Brown for the Purposes therein mentioned.

Mr *Attorney*, from the Committee to whom the Bill to vest certain Lots in the City of *Williamsburg* in the Purchasers thereof, and for other Purposes therein mentioned, was committed, reported that they had made some Amendments thereto; which he read in his Place, and then delivered the Bill with the Amendments in at the Table, where the Amendments were again twice read, and agreed to by the House.

Ordered, That the said Bill with the Amendments be engrossed, and read a third Time.

Mr *Fleming*, from the Persons appointed, reported, according to Order, a Bill for the Ease and Relief of the People by paying the Burgeffes Wages in Money for the last and present Sessions of Assembly; and the said Bill was read the first Time, and ordered to be read a second Time.

Mr *Attorney*, from the Committee of Privileges and Elections, reported that they had had under their Consideration the Petition of Mr *Henry Delony*, complaining of an undue Election and Return of Mr *Edmund Taylor* to serve as a Burgeffs in this present General Assembly for the County of *Mecklenburg*, to them referred, and had come to several Resolutions thereon; which he read in his Place, and then delivered them in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved

¹ Hening, VIII, p. 124.

² *Ibid.*, VIII, p. 112.

³ *Ibid.*, VIII, p. 172.

⁴ *Ibid.*, VIII, p. 139.

Resolved, That the Persons who voted at the said Election whose Freeholds are questioned either by the Petitioner or fitting Member be examined upon Oath before *Robert Munford, Benjamin Baird, Robert Alexander, and Thomas Anderson*, of the County of *Mecklenburg*, Gentlemen, or any three of them, whether they be Freeholders or not, except such of them as did swear to their Freedolds at the Election.

53 *Resolved*, That the Petitioner and fitting Member be at Liberty to examine Witneffes before the said Persons as to the Freeholds, or other Qualifications of any Person who voted at the said Election, although such Persons swore to their Freeholds at such Election, or shall swear to the same at the Examination; and that it be an Instruction to the Persons before whom such Examinations are to be taken to examine how long such Voters have been in Possession of, and paid Quitrents for, the Lands or Tenements in Right of which they voted at the Election, and that they return the Depositions they shall take on the first Day of the next Session of Assembly.

Resolved, That the Petitioner give to the fitting Member ten Days Notice at least of the Time and Place when and where he intends to examine his Witneffes, also a List in Writing of the Names of the Voters he intends to except to, distinguishing against each Name the several Heads of Exceptions; and that the fitting Member do the like to the Petitioner.

Resolved, That the Petitioner be at Liberty to examine Witneffes before the same Persons as to the fitting Member's treating the Freeholders of the said County, or any of them, with spirituous Liquors, after the Test of the Writ for the Election of Burgeffes for the said County, or at the Time of taking the Poll at such Election.

Resolved, That the further Consideration of the said Petition ought to be referred to the next Session of Assembly.

He also reported, from the said *Committee*, that they had had under their Consideration the Returns of the several Writs for electing Burgeffes to serve in this present General Assembly for the Counties of *Amelia, Charlotte, Chesterfield, Louisa, Lunenburg, and Mecklenburg*, to them referred, and had come to two Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, as follow:

Resolved, That the Return of the Writ for electing a Burgefs for the said County of *Charlotte* is made in the Form prescribed by Law.

Resolved, That the Returns of the several Writs for electing Burgeffes for the said Counties of *Amelia, Chesterfield, Louisa, Lunenburg, and Mecklenburg*, are not made in the Form prescribed by Law.

Ordered, That the several Returns of the Writs for electing Burgeffes for the Counties of *Amelia, Chesterfield, Lunenburg, and Mecklenburg*, be amended at the Table.

Ordered, That the Sheriff of the County of *Louisa* be sent for in Custody to amend his said Return.

An engrossed *Bill* entitled *An Act to revive and amend an Act entitled An Act for establishing a Trade with the Indians in Alliance with his Majesty*, and also to amend one other Act for directing the Trustees of the *Indian Factory of Virginia* to sell Goods imported by them, and to pay the Money arising by such Sale into the Treasury for the Use of the Publick, was read the third Time, and the Blanks therein filled up.

Resolved, That the said *Bill* do pass.

Ordered, That Mr *Cary* do carry it up to the Council for their Concurrence.

A *Message* from the Council by Mr *Walthoe*.

That they have agreed to the Treasurer's Accounts.

Also to the Bill entitled An Act² for appointing an Agent, and two other Acts therein mentioned.

54 Mr *Attorney*, from the Committee of the whole House, reported, according to Order, that the Committee had considered of the Steps necessary to be taken in Consequence of the

¹ Hening, VIII, p. 114.

² *Ibid.*, VIII, p. 113.

the Resolutions of the House of Commons of *Great Britain* relative to the charging Stamp Duties in the Colonies and Plantations in *America*, and that they had come to several Resolutions thereon; which he read in his Place, and then delivered in at the Table, where they were again twice read, and agreed to by the House, with some Amendments, and are as follow:

Resolved, That the first Adventurers and Settlers of this his Majesty's Colony and Dominion of *Virginia* brought with them, and transmitted to their Posterity, and all other his Majesty's Subjects since inhabiting in this his Majesty's said Colony, all the Liberties, Privileges, Franchises, and Immunities, that have at any Time been held, enjoyed, and possessed, by the people of *Great Britain*.

Resolved, That by two royal Charters, granted by King *James* the First, the Colonists aforesaid are declared entitled to all Liberties, Privileges, and Immunities of Denizens and natural Subjects, to all Intents and Purposes, as if they had been abiding and born within the Realm of *England*.

Resolved, That the Taxation of the People by themselves, or by Persons chosen by themselves to represent them, who can only know what Taxes the People are able to bear, or the easiest Method of raising them, and must themselves be affected by every Tax laid on the People, is the only Security against a burthenfome Taxation, and the distinguishing Characteristick of *British* Freedom, without which the ancient Constitution cannot exist.

Resolved, That his Majesty's liege People of this his most ancient and loyal Colony have without Interruption enjoyed the inestimable Right of being governed by such Laws, respecting their internal Polity and Taxation, as are derived from their own Consent, with the Approbation of their Sovereign, or his Substitute; and that the same hath never been forfeited or yielded up, but hath been constantly recognized by the Kings and People of *Great Britain*.

On a Motion made,

A Bill For the Ease and Relief of the People by paying the Burgeesses Wages in Money for the last and present Sessions of Assembly, was read the second Time.

Ordered, That the said Bill be engrossed and read a third time.

And then the House adjourned until Tomorrow Morning 10 o'Clock.

Friday, the 31st of May. 5 Geo. III. 1765.

AN engrossed Bill entitled *An Act to repeal so much of the Act of Assembly made in the fourth Year of his present Majesty's Reign, entitled An Act for appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned, as allows a Bounty of 40s. to every Person who will voluntarily engage in the Service of the Colony*, was read a third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr Cary do carry it up to the Council for their Concurrence.

An engrossed Bill entitled *An Act to vest certain Lots in the City of Williamsburg in the Purchasers thereof, and for other Purposes therein mentioned*, was read the third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr Attorney do carry it up to the Council for their Concurrence.

An engrossed Bill entitled *An Act for the Ease and Relief of the People by paying the Burgeesses Wages in Money for the last and present Sessions of Assembly*, was read the third Time, and the Blanks therein filled up.

Resolved, That the said Bill do pass.

Ordered

¹ Hening, VIII, p. 151.

² *Ibid.*, VIII, p. 171.

³ *Ibid.*, VIII, p. 187.

Ordered, That Mr *Fleming* do carry it up to the Council for their Concurrence.

On a *Motion* made,

Ordered, That Leave be given to bring in a Bill To oblige *Thomas Proffer* to reimburse the Cofts of profecuting an Information againft him, and it is referred to Mr *Wythe* to prepare and bring in the fame.

A *Meffage* from the Council by Mr *Walthoe*.

That they have agreed to the Bill entitled An Act¹ for the Eafe and Relief of the People by paying the Burgeffes Wages in Money for the laft and prefent Seffions of Affembly.

Alfo to the Bill entitled An Act² to revive and amend An Act entitled an Act for eftablifhing a Trade with the Indians in Alliance with his Majefty, and alfo to amend one other Act for directing the Truftees of the Indian Factory of Virginia to fell the Goods imported by them, and to pay the Money arifing by fuch Sale into the Treafury for the Ufe of the Publick.

Alfo to the Bill entitled An Act³ to veft certain Lots in the City of Williamsburg in the Purchafers thereof, and for other Purpofes therein mentioned.

Alfo to the Bill entitled An Act⁴ to repeal fo much of the Act of Affembly made in the fourth Year of his prefent Majefty's Reign, entitled An Act for appointing Commiffioners to examine and ftate the Accounts of the Militia lately ordered out into actual Service, and for other Purpofes therein mentioned, as allows a Bounty of 40s. to every Perfon who will voluntarily engage in the Service of the Colony.

Alfo to the Refolve for paying Mr Peter Pelham for repairing the Organ in the Church in the City of Williamsburg.

Alfo to the Refolve for paying Mr Benjamin Powell for repairing the Publick Gaol in the City of Williamsburg.

Ordered, That the feveral Claims which had been rejected by the Committee of Claims, and were ordered to lie on the Table, be referred to the next Seffion of Affembly.

Mr *Wythe* prefented to the Houfe, according to Order, a Bill To oblige *Thomas Proffer* to reimburse the Cofts of profecuting an Information againft him; and the faid Bill was read the firft Time, and ordered to be read a fecond Time.

On a *Motion* made,

Refolved, That the feveral Sums following be paid to the feveral Officers of the General Affembly, refpectively:

To John Randolph, Efq; Clerk of the Houfe of Burgeffes	£250
To Nathaniel Walthoe, Efq; Clerk of the General Affembly	80
To the Rev. Mr Price, Chaplain	60
To Mr Francis Eppes, Sergeant at Arms	80
To Mr George Davenport, Clerk of the Committees of Privileges and Elections and Propositions and Grievances	80
To Mr Miles Cary, Clerk of the Committee of Claims	75
To Mr Thomas Everard, Clerk of the Committee for Courts of Juftice	30
To Mr Hina Ruffel, Clerk of the Committee of Trade	30
To the Doorkeeper of the Council	15
To James Lavie, } Doorkeepers to the Houfe {	15
To Nathaniel Hix, }	15
To Thomas Francis, }	15
To John Broadrib, }	15
To Mrs. Galt for cleaning the Capitol	5

Ordered, That Mr *George Johnfton* do carry it up to the Council for their Concurrence.

On a *Motion* made,

A Bill To oblige *Thomas Proffer* to reimburse the Cofts of profecuting an Information againft him, was read the fecond Time. *Ordered*

56

¹ Hening, VIII, p. 114.

² *Ibid.*, VIII, p. 171.

³ *Ibid.*, VIII, p. 151.

⁴ *Ibid.*, VIII, p. 173.

*Ordered, That the said Bill be engrossed, and read a third Time.
And then the House adjourned until Tomorrow Morning 10 o'Clock.*

Saturday, the 1st of June, 5 Geo. III. 1765.

AN engrossed *Bill* entitled *An Act¹ to oblige Thomas Proffer to reimburse the Costs of prosecuting an Information against him*, was read the third Time.

Resolved, That the said Bill do pass.

Ordered, That Mr Wythe do carry it up to the Council for their Concurrence.

A Message from the Council by Mr Walthoe.

That they have agreed to the Bill entitled An Act² to oblige Thomas Proffer to reimburse the Costs of prosecuting an Information against him.

Also to the Resolve for paying the Officers of the General Assembly.

Mr Munford reported that the Committee appointed had, according to Order, examined the enrolled Bills and Resolves, and rectified such Mistakes as were found therein; and that they were truly enrolled.

Ordered, That Mr Munford do carry them up to the Council for their Inspection.

The Letter of Mr Charles Goore of Liverpool, with his Instructions for making Hemp, directed to the Governour, Council, and Assembly, were presented to the House and read.

Ordered, That the Thanks of this House be given to the said Mr Goore for his kind Endeavors to serve this Colony, and that the several Copies of his Instructions for making of Hemp be properly distributed.

A Message from the Council by Mr Walthoe.

That they have inspected the enrolled Bills and Resolves, and are satisfied they are truly enrolled.

A Message from the Governour by Mr Walthoe.

Mr Speaker,

The Governour commands the immediate Attendance of your House in the Council Chamber, and that you bring with you such Bills and Resolves as are ready for his Assent.

Mr Speaker with the House went up accordingly, and his Honour the Governour was pleased to give his Assent to the following publick and private Acts:

1. *An Act³ for amending the Staple of Tobacco, and for preventing Frauds in his Majesty's Customs.*

2. *To prevent Frauds in the Drawback of the Duties on Liquors imported into this Colony.*

3. *An Act⁴ for continuing the Act for appointing an Agent, and two other Acts therein mentioned.*

4. *To revive and amend An Act entitled an Act for establishing a Trade with the Indians in Alliance with his Majesty, and also to amend one other Act for directing the Trustees of the Indian Factory of Virginia to sell the Goods imported by them, and to pay the Money arising by such Sale into the Treasury for the Use of the Publick.*

5. *For amending and declaring the Law concerning the Escape of Debtors out of the Prison Rules, and for other Purposes therein mentioned.*

6. *For appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned.*

To

¹ Hening, VIII, p. 173.
² *Ibid.*, VIII, p. 173.

³ *Ibid.*, VIII, p. 69.
⁴ *Ibid.*, VIII, p. 112.

⁵ *Ibid.*, VIII, p. 113.
⁶ *Ibid.*, VIII, p. 114.

⁷ *Ibid.*, VIII, p. 118.
⁸ *Ibid.*, VIII, p. 124.

7. ¹To prevent the Practice of selling Persons as Slaves that are not so, and for other Purposes therein mentioned.
8. ²To amend the Act for the better Government of Servants and Slaves.
9. ³For amending the Act entitled an Act for directing the Trial of Slaves committing Capital Crimes, and for the more effectual punishing Conspiracies and Insurrections of them, and for the better Government of Negroes, Mulattoes, and Indians, bond or free.
10. ⁴To direct the Collection of the Land Tax in Arrear from Part of Culpeper County for the Year 1759, and for other Purposes therein mentioned.
11. ⁵For exempting the Exporters of dressed Hides or Skins from the Payment of Duties for such as had been before imported.
12. ⁶To amend an Act for inspecting Pork, Beef, Flower, Tar, Pitch, and Turpentine.
13. ⁷To empower the Treasurer to receive the Money due from the Province of Pennsylvania to this Colony.
14. ⁸For the Sale of the usefess military Stores in the Magazine in Williamsburg.
15. ⁹For establishing a Ferry from the Land of Thomas Shepherd, at Mecklenburg, in Frederick County, to Maryland.
16. ¹⁰For increasing the Rewards given for killing Wolves, to be paid by the respective Counties wherein the Services shall be performed.
17. ¹¹For clearing the great Falls of James River, the River Chickahominy, and the north Branch of James River.
18. ¹²To repeal so much of the Act of Assembly made in the fourth Year of his present Majesty's Reign, entitled an Act for appointing Commissioners to examine and state the Accounts of the Militia lately ordered out into actual Service, and for other Purposes therein mentioned, as allows a Bounty of 40s. to every Person who will voluntarily engage in the Service of the Colony.
19. ¹³For opening and clearing a Road through Swift Run Gap, over the Mountains in Augusta.
20. ¹⁴For enlarging the Jurisdiction of the Court of Hustings in the Borough of Norfolk
21. ¹⁵For making an equal Division of a Donation of one Matthew Godfrey between the several Parishes of the County of Norfolk, for the Benefit of their Poor.
- 58 22. An Act ¹⁶ for repealing an Act passed in the former Part of this present Session of Assembly entitled An Act for dividing the Parish of Truro, in the County of Fairfax, and for making a more equal Division of the said Parish.
23. ¹⁷To vest certain Lands whereof Rice Jones is seized in Fee Taille in the Hon. Richard Corbin, Esq; in Fee Simple, and for settling Slaves to be annexed to other entailed Lands in Lieu thereof.
24. ¹⁸To dock the Entail 1500 Acres of Land whereof Thomas Mann Randolph, Gent. is seized, and for settling other Lands in Lieu thereof to the same Purposes.
25. ¹⁹To dock the Entail of certain Lands whereof John Gregg is seized, and for settling other Lands and Slaves to be purchased in Lieu thereof to the same Uses.
26. ²⁰To dock the Entail of certain Lands whereof Harry Beverley, Gent. is seized, and for settling Slaves to be purchased in Lieu thereof to the same Uses.
27. ²¹To vest certain Lands therein mentioned in James Hubbard, and settling other Lands and Slaves in Lieu thereof.
28. ²²To vest certain Lots in the City of Williamsburg in the Purchasers thereof, and for other Purposes therein mentioned.
29. ²³To oblige Joseph Rentfro, and others, to pay to the Treasurer of this Colony the several Sums of Money therein mentioned.

To

¹ Hening, VIII, p. 133.² *Ibid.*, VIII, p. 135.³ *Ibid.*, VIII, p. 137.⁴ *Ibid.*, VIII, p. 139.⁵ *Ibid.*, VIII, p. 142.⁶ *Ibid.*, VIII, p. 143.⁷ *Ibid.*, VIII, p. 145.⁸ *Ibid.*, VIII, p. 146.⁹ *Ibid.*, VIII, p. 146.¹⁰ *Ibid.*, VIII, p. 147.¹¹ *Ibid.*, VIII, p. 148.¹² *Ibid.*, VIII, p. 151.¹³ *Ibid.*, VIII, p. 152.¹⁴ *Ibid.*, VIII, p. 153.¹⁵ *Ibid.*, VIII, p. 154.¹⁶ *Ibid.*, VIII, p. 157.¹⁷ *Ibid.*, VIII, p. 159.¹⁸ *Ibid.*, VIII, p. 161.¹⁹ *Ibid.*, VIII, p. 163.²⁰ *Ibid.*, VIII, p. 166.²¹ *Ibid.*, VIII, p. 168.²² *Ibid.*, VIII, p. 171.²³ *Ibid.*, VIII, p. 172.

30. ¹To oblige Thomas Proffer to reimburse the Costs of prosecuting an Information against him.

31. ²For the Ease and Relief of the People by paying the Burgeffes Wages in Money for the last and present Sessions of Assembly.

His Honour likewise gave his Assent to the following Resolves.

1. That a Committee be appointed, to consist of the following Persons, viz. Peyton Randolph, George Wythe, John Randolph, Benjamin Waller, and Robert Carter Nicholas, Esqrs. or any three or more of whom to be sufficient to act, to collect the publick Acts of Assembly of Virginia which shall be in force at the End of this present Session of Assembly, and to agree with some Person to make a proper Index to the same, and also to agree with a Printer for printing 1200 Copies, to be neatly bound in Books, with the Arms of Virginia stamped on each, and to deliver one to the Governour or Commander in Chief of this Dominion for the Time being, one to each of the Members of his Majesty's Council, and the present House of Burgeffes, one to the Clerk of the General Assembly, one to the Clerk of the House of Burgeffes, one to the Clerk of the Secretary's Office, and one to each County Court Clerk for the Use of his County, and the rest among the Justices of the severall Counties, not being Burgeffes, as the Treasurer shall direct.

2. That the Sum of £388.13. 6 Halfpenny be paid to Benjamin Powell, for repairing the Publick Gaol.

3. That the Sum of £20 be allowed Thomas Brown, a wounded Soldier, for his present Relief, and that a further Sum of £5 per Annum be paid him during Life.

4. That the Sum of £50 be paid to Peter Pelham, for repairing the Organ in the City of Williamsburg.

5. That the severall Sums therein mentioned be allowed to the Officers of the General Assembly.

And then his Honour was pleased to dissolve the Assembly.

¹ Hening, VIII, p. 173.

² Ibid., VIII, p. 187.

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